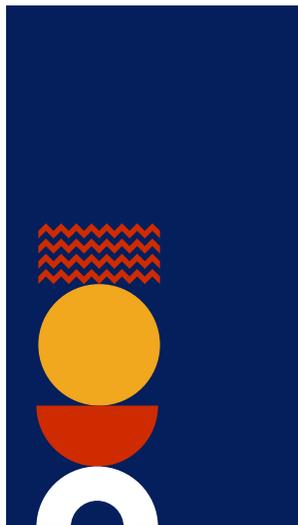


# LOCAL TOBACCO CONTROL NOW



## #LocalSavesLivesMD

Save lives, reduce spending, and create a healthier Maryland — **RESTORE LOCAL TOBACCO CONTROL POWER**



Support legislation in the 2021 General Assembly session that would allow local governments to continue their important and effective work to curb tobacco use.

This legislation would correct the consequences of the *Altadis v. Prince George's County* court ruling.

Local governments in Maryland have been stripped of their power to fully protect residents from the devastating effects of tobacco use due to a contentious 2013 court ruling (*Altadis v. Prince George's County*) — brought on by the tobacco industry — preventing them from passing new laws regulating tobacco products.

Prior to the 2013 ruling, local governments had been vanguards in using their power under the Maryland Constitution and Code to enact local laws related to smoking, tobacco use, and sale of tobacco products. Over the past two decades, local governments have adopted and put into action some of the strongest, most innovative, and effective tobacco control policies in the state.

As a result of the *Altadis* decision, local governments are prohibited from passing new laws related to tobacco sales and distribution and are hesitant to enforce existing tobacco ordinances for fear of further lawsuits from the tobacco industry.

Without the authority to enact and enforce tobacco control laws, local governments cannot respond to what causes people to use tobacco in their communities — stifling progress in reducing use, especially among young people.

Authority over tobacco control policy in Maryland does not have to reside all with the state or all with local government. Each level of government brings its strengths to the table. If combined through partnership, they can be a powerful vehicle to accomplish what could not be done separately, for the betterment of all Marylanders. **But first, the power of local governments to pass new tobacco control laws must be restored.**



## THE TIME TO ACT IS NOW!

Each year, 7,500 Marylanders die from tobacco related causes, and currently, 23% of Maryland high school students use electronic smoking devices. Given the COVID-19 pandemic and its devastating impact on the lungs, curbing smoking is more important than ever.





# TIMELINE OF LOCAL TOBACCO CONTROL IN MARYLAND

## 2013-2020

As a result of the court's ruling, local governments are prohibited from passing new laws related to tobacco sales and distribution, and local governments are hesitant to enforce existing tobacco ordinances for fear of further lawsuits from the tobacco industry.

For example, the Baltimore City Health Department stopped enforcing a local tobacco control law prohibiting the sale of single cigarettes for fear that litigation would result in a finding of preemption<sup>1</sup> of that provision, which was passed prior the 2013 decision.



<sup>1</sup> Preemption is a legislative or judicial term that describes when a higher level of government limits the authority of a lower level to adopt stronger or, in some cases, any policies in a certain area. For years, the tobacco industry has used state preemption to block local tobacco control laws across the country.

Restoring the power of local governments to pass new tobacco control laws has broad support in Maryland:



## 2007

Maryland's statewide clean indoor air law was signed into law. This historic bill would not have happened if Baltimore City, Howard, Talbot, Montgomery, Charles, Prince George's, and Baltimore Counties did not first set an example for how it can work successfully. More than 60% of Maryland's population was covered by a local clean indoor air ordinance before the state law passed. Local ordinances are the reason smoking indoors is against the law, and all Marylanders are protected from involuntary exposure to dangerous secondhand smoke.

## 2009

Prince George's County became one of the first jurisdictions in the country to pass an ordinance imposing a minimum pack size for cheap cigars. This important law was in response to a significant increase in the use of individually sold cigars by young people.

## 2010

Cigar manufacturers and distributors challenged the Prince George's County ordinance in court (*Altadis v. Prince George's County*), arguing that state tobacco laws preempted<sup>1</sup> local regulation of cigar pack size.

## 2013

In a shocking ruling, the Maryland Court of Appeals sided with the cigar industry in *Altadis v. Prince George's County*, finding that the Prince George's County ordinance regulated an area of tobacco control that the state has claimed authority over, despite the state not explicitly saying so in any law.

## 2020

Sensing growing support for local tobacco control, governments, health associations, and civil rights groups across the state band together to launch the Local Tobacco Control Now campaign and urge Maryland lawmakers to support legislation restoring local tobacco control powers.

