



SB 99 Cigarettes, Tobacco Products, and Electronic Smoking Devices - Local Law Authorization

Senate Finance Committee January 27, 2022

SUPPORT

The importance of anti-preemption policies in protecting public health has been recognized by the American Public Health Association (APHA), the Center for Disease Control and Prevention (CDC), the Office of Disease Prevention and Health Promotion of the U.S. Dept of Health & Human Services (HHS), and others.

An illustration is the process by which the law establishing smoke-free public places in Maryland was passed in 2007. **I and other tobacco control advocates spent years working to enact a series of local smoke-free laws, knowing that this was our only path to a state-wide law.** Montgomery County was first, followed by Prince Georges and Talbot, then Charles and Howard counties. When Baltimore City became the sixth Maryland jurisdiction to enact a local smoke-free ordinance, the Maryland General Assembly was able to enact a statewide law the same year. This was followed by a 33% decline in Maryland smoking rates between 1998 to 2009, double the rate of decline nationally. ('Ban on smoking becomes Md. law.' May 18, 2007 The Baltimore Sun <https://www.baltimoresun.com/news/bs-xpm-2007-05-18-0705180101-story.html>)

According to a **Policy Statement by the APHA (November 2015) entitled 'Impact of Preemptive Laws on Public Health,'** "...State and local governments are often at the forefront of public health policy-making. **Some of the most effective public health policies have been enacted at the state and local levels.** Legislators should support evidence-based policy-making by considering the impact preemptive laws may have on state and local public health efforts." <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2016/01/11/11/08/impact-of-preemptive-laws-on-public-health>.

According to **the CDC** in an online article entitled '**Preemption Can Impede Local Tobacco Protection Efforts,**' "Communities have adopted and put into action some of the strongest, innovative, and effective tobacco control policies that have served as a catalyst for transitioning social norms about tobacco use. . . **The tobacco industry has historically supported state preemption laws as a way to reverse existing local tobacco control laws and prevent future enactment of such laws.**" <https://www.cdc.gov/statesystem/factsheets/preemption/Preemption.html>

One of the objectives listed in the HHS report 'Healthy People 2030,' is to "**Eliminate policies in states, territories, and the District of Columbia that preempt stronger local tobacco control policies.**" <https://health.gov/healthypeople/search?query=preemption>

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