



Memorandum In Support with Amendments: SB 244

House Economic Matters Committee

March 28, 2024

American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit nonpartisan advocacy affiliate of the American Cancer Society. ACS CAN empowers cancer patients, survivors, their families and other experts on the disease, amplifying their voices and public policy matters that are relevant to the cancer community at all levels of government. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. On behalf of our constituents, many of whom have been personally affected by cancer, we stand in support of SB 244 with amendments and ask for the House Economic Matters Committee to amend SB 244 to mirror the bill's cross-file passed by the House and your committee, HB 238.

ACS CAN supports the addition of "vaping" to prohibitions related to the Clean Indoor Air Act (CIAA) in SB 244. Vaping is an emerging issue the original authors of the Clean Indoor Air Act did not foresee. Given the increasing prevalence of vaping, and the potential harm of secondhand vapor, it is right and logical to include vaping under the CIAA.

However, ACS CAN does have concerns that the legislation now calls for a workgroup to be formed to study the issuance of alcoholic beverage licenses to tobacconists. The existing issuance of alcoholic beverages licenses by local government authorities to businesses operating as tobacconists for cigar bars or lounges is a clear breach of the spirit and intent of the CIAA. Moreover, allowing for this workgroup to be formed could expand the number of businesses that are exempt from the smoke-free law and allow indoor smoking.

When signed into law in 2007, Maryland's CIAA was clear that the purpose of the Act was to preserve and improve the health, comfort and environment of the people in Maryland by limiting exposure to secondhand smoke. A specific and narrow exemption was created for retail businesses whose *primary activity* is the sale of tobacco or similar products. There was never an intent to allow the sale of beer, wine or liquor at these establishments.

Additionally, it has been clearly established that there is no safe level of exposure to toxic secondhand smoke.¹ U.S. Surgeon Generals under both Republican and Democratic Administrations have affirmed this. Secondhand smoke is an occupational health hazard for many workers, but one that is entirely preventable. The only effective way to fully protect nonsmokers from exposure to secondhand smoke is to completely eliminate smoking in indoor public spaces.

Prohibiting vaping in public places under the CIAA is the right thing to do. However, there are grave concerns with this addition of a workgroup. Again, we ask the House Economic Matters Committee to amend SB 244 to mirror the bills cross-file passed by the House and your committee, HB 238. Thank you.

¹ U.S. Department of Health and Human Services (HHS). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.