

## Prince George's County Council

### Agenda Item Summary

<b>Meeting Date:</b>	11/5/2013
<b>Reference No.:</b>	CB-082-2013
<b>Draft No.:</b>	1
<b>Proposer(s):</b>	Harrison
<b>Sponsor(s):</b>	Patterson, Franklin, Davis
<b>Item Title:</b>	An Act concerning the repeal of prohibition of the sale, offer or distribution of certain cigar and cigar products in quantities fewer than packages of five.

<b>Drafter:</b>	Todd M. Turner, Legislative Officer
<b>Resource Personnel:</b>	Rodney C. Streeter, Chief of Staff District 5

#### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/24/2013	<b>Executive Action:</b>	11/22/2013 S
<b>Committee Referral:</b>	9/24/2013 - HEHS	<b>Effective Date:</b>	1/6/2014
<b>Committee Action:</b>	10/10/2013 - FAV		
<b>Date Introduced:</b>	10/15/2013		
<b>Public Hearing:</b>	11/5/2013 - 10:00 AM		
<b>Council Action (1)</b>	11/5/2013 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

#### AFFECTED CODE SECTIONS:

12-201, 12-204

#### COMMITTEE REPORTS:

**HEALTH, EDUCATION AND HUMAN SERVICES**  
**COMMITTEE**

**Date 10/10/2013**

Committee Vote: Favorable, 4-0 (In favor: Council Members Patterson, Campos, Lehman and Turner)

CB-82-2013 repeals provisions of the Code which prohibits the sale, offer or distribution of cigar and cigar products in quantities fewer than packages of five as a result of a Maryland Court of Appeals decision which invalidated CB-47-2008 and CB-6-2009, as being preempted by State Law.

The Legislative Officer provided background information on the history of the legislation and litigation involving the County. The Maryland Court of Appeals ruled, in a April 25, 2013 decision in Plescia, et al and Altadis U.S.A., Inc. et al v. Prince George's County, MD, that the County legislation was preempted by State law in the regulation of the packaging, sale and distribution of tobacco products. This bill would repeal only those provisions invalidated by the Court's decision that permanently enjoined the enforcement of CB-47 and CB-6.

The Office of Law determines that CB-82-2013 is in proper legislative form and the Office of Audits and Investigations determined that there should not be an adverse fiscal impact on the County if enacted.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation seeks to repeal provisions enacted by CB-47-2008 and CB-6-2009 which prohibited the sale, offer or distribution of certain cigar and cigar products in quantities fewer than packages of five. The Maryland Court of Appeals invalidated CB-47 and CB-6, as being preempted by State law, in a April 25, 2013 decision in Plescia, et al and Altadis U.S.A., Inc. et al v. Prince George's County, MD.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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