Prince George's County, Maryland
Inter-Office Memorandum
Office of Law

LEGISLATIVE COMMENT

DATE: September 16, 2026

TO: David Murray, Council Administrator

THRU: Anthony D. Jones, County Attorney

THRU: Jason A. Alston, Deputy County Attorney

FROM: Christy I. Watts, Associate County Attorney

RE: CB-083-2026

The Office of Law has reviewed the above referenced ordinance as it was introduced on September 1, 2026. We find the bill to be in proper legislative form. The Office of Law notes the legislation is vulnerable to a preemption challenge to the extent it is construed as a regulation of tobacco sales.

The provisions restricting tobacco sales at certain retail establishments make the bill susceptible to a legal challenge based on implied preemption. In *Altadis U.S.A., Inc. v. Prince George's Cnty., Maryland*, 431 Md. 307, 318, 65 A.3d 118, 124 (2013), the Maryland Court of Appeals held that State law occupies the field of regulating the packaging and sale of tobacco products, including cigars, thereby impliedly preempting local regulation in that area.

The restrictions in CB-083-2026 could be viewed as the County's attempt to use its zoning authority to prohibit certain businesses from selling tobacco products based on the type of business or the size of the establishment. A court could therefore conclude that the ordinance is regulating tobacco sales, rather than merely regulating land use, and that the County is accomplishing through zoning what *Altadis* prohibits it from doing directly.