

---

CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
EBONY M. THOMPSON, ACTING SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

---

November 3, 2023

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 23-0418 – Tobacco Products – Tobacco Product Use in  
Stadiums – Prohibition

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0418 for form and legal sufficiency. The bill would add a Subtitle 10 Tobacco Product Use in Stadiums to Title 12 Tobacco Products and Smoking Devices of the Health Article of the Baltimore City Code. It defines stadium and tobacco products and prohibits the use of those products in stadia.

The Mayor and City Council of Baltimore’s express powers granted by the General Assembly include the power to pass laws that promote the general welfare and expressly to “provide for the preservation of the health of all persons within the City.” City Charter, Art. II, §§ (11)(a), (27), (47). Although “State law comprehensively regulates the packaging, sale and distribution of tobacco products, including cigars, and thus preempts this field,” this does not preclude local government restrictions on places acceptable for smoking. *Altadis USA, Inc. v. Prince George’s County*, 431 Md. 307, 316 (2013). In fact, the state’s Clean Indoor Air Act explicitly provides that local governments may enact more strict measures. Md. Code, Health Gen., § 24-510.

Subtitles 7 and 8 of the Health Article of the City Code already prohibit smoking in certain areas. In fact, this bill’s provisions overlap with existing prohibitions in Subtitle 8 for smoking within 50 feet of any athletic facility. City Code, Health Art., § 12-801. The bill would also overlap with any indoor facilities to the extent that those are already covered under the state’s Clean Indoor Air Act. Md. Code, Health Gen., § 24-510. However, because this bill would not conflict with these existing laws, amendments are not needed, and the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ebony M. Thompson".

Hilary Ruley  
Chief Solicitor

cc: Ebony M. Thompson, Acting City Solicitor  
Nina Themelis, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Ashlea Brown, Chief Solicitor  
Jeffery Hochstetler, Chief Solicitor  
Teresa Cummings, Assistant Solicitor  
Michelle Toth, Assistant Solicitor