



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

February 5, 2014

The Honorable Dereck E. Davis, Chairman
Economic Matters Committee
Room 231, House Office Building
6 Bladen Street
Annapolis, MD 21401-1991

Re: House Bill 405– *Environment – Sales of Nonbiodegradable Cigarettes - Prohibited*

Dear Chairman Davis and Members of the Committee:

The Maryland Department of the Environment (MDE or “the Department”) has reviewed House Bill 405 entitled *Environment – Sales of Nonbiodegradable Cigarettes - Prohibited*, and would like to provide the Committee with some information regarding this bill.

This bill adds a new section to Title 6 of the Environment Article. The bill would prohibit the offer of sale or sales of nonbiodegradable cigarettes in Maryland. This prohibition is on the entire cigarette including the filter. It establishes a civil penalty not to exceed \$200 for each pack of nonbiodegradable cigarettes, and authorizes the Attorney General to bring an action to stop any act in violation of the law and to recover civil penalties.

The Department neither has the staffing nor expertise to implement this bill. The Department would need three additional environmental compliance officers, one office secretary, and a half time assistant Attorney General to carry out and enforce the provisions of this law.

Additionally, the bill lacks clarity regarding the determination on what constitutes a biodegradable cigarette, whether packages of cigarettes should be labeled as biodegradable, and whether the manufacturer would be required to identify biodegradable cigarettes. The bill is not clear on which entities it would capture - are sellers limited to store owners or do they also include individuals and companies that sell online? Finally, the bill only provides for civil enforcement, not administrative enforcement. The bill would need to be amended to allow for more meaningful enforcement of the bill.

Thank you for your consideration. We will continue to monitor House Bill 405 during the Committee’s deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at jeffrey.fretwell@maryland.gov.

Sincerely,

Jeffrey Fretwell

cc: Mr. Horacio Tablada, Director, Land Management Administration

