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June 30, 2008

Baltimore City Health Department
210 Guilford Avenue
Baltimore, Maryland 21202

Attention: Riana Brown

Re: Public Comment on Proposed
Regulation Banning the Sale of Single,
Cheap Cigars in Baltimore City

Dear Ms. Brown:

I write to the Baltimore City Health Department on behalf of my lobbying client The Maryland Association of Tobacco and Candy Distributors in response to the request for public comment on the Department's May 28, 2008 proposed regulation banning the sale of single, cheap cigars in Baltimore City.

The Maryland Association of Tobacco and Candy Distributors strongly opposes this proposed regulation or any amended or modified regulation on this subject matter. The City of Baltimore has absolutely no legal, regulatory or legislative authority whatsoever to act in this field concerning the sale of tobacco or any other tobacco products. By this proposed regulation to ban, restrict and attempt to regulate the manner and form of purchase of single, cheap cigars, Baltimore City is attempting to affect the sale of tobacco and other tobacco products. Baltimore City, in its history as a municipal corporation, has never legislated or regulated the sale or purchase of tobacco or any other tobacco products.

This proposed regulation clearly

- (1) is pre-empted by State Law;
- (2) is in conflict with State Law;
- (3) is not within the express authority granted to a municipal corporation by the Maryland Constitution or by the Maryland legislature;
- (4) is in conflict with federal law and the interstate commerce clause of the U.S. Constitution; and
- (5) denies wholesalers and retailers equal protection of the law and other due process guarantees.

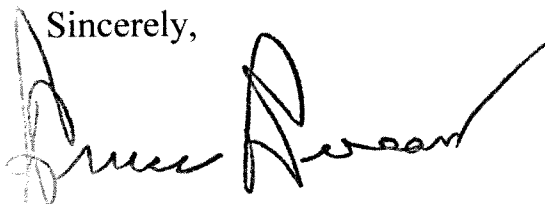
Accordingly, my client is not submitting to you any comments concerning the 2 questions asked on Page 9 of your May 28, 2008 document. The assertion of legal authority for Baltimore City to enact this proposed regulation as set forth on Page 1 of said document is pathetic and without any sound basis.

This proposal by Baltimore City is no more than an anti-tobacco publicity stunt by the Baltimore City Health Commissioner, regardless of status of the law and regardless of plain and pure common sense that people can buy this product outside of Baltimore City or, buy a 5 pack in the City and break it up and resell them individually among other ways to circumvent this proposed regulation.

The Association urges Baltimore City to spend its time and resources on matters within its proper jurisdiction and authority. If Baltimore City would spend the same publicity, time and effort enforcing existing State criminal laws concerning minors under age 18 from using, possessing or purchasing other tobacco products that would be productive and worthwhile. Baltimore City has no authority or right to regulate, whether the city likes it or not, the sale of other tobacco products by adults 18 and older.

This proposed regulation should not be implemented by the Health Department, The Maryland Association of Tobacco and Candy Distributors will take every appropriate course of action to make sure this never happens.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Bereano". The signature is written in a cursive style with a prominent initial "B" and a long, sweeping tail.

Bruce C. Bereano

BCB/aba