By: Delegates Gordon, Barve, Doory, Krysiak, and Simmons
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Assigned to: Judiciary

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House action: Adopted
Read second time: February 19, 2003

CHAPTER_______

1 AN ACT concerning

Criminal Law - Candy-Like Products Containing Nicotine Tobacco - Minors

3 FOR the purpose of adding candy-like products that contain nicotine tobacco to the
definition of tobacco products prohibited to be sold to or possessed by a minor;
and generally relating to candy-like products that contain nicotine tobacco.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 10-101
9 Annotated Code of Maryland
10 (2002 Volume)

11 BY repealing and reenacting, without amendments,
12 Article - Criminal Law
13 Section 10-107 and 10-108
14 Annotated Code of Maryland
15 (2002 Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 Article - Criminal Law

19 10-101.

20 (a) In this part the following words have the meanings indicated.
(b) "Distribute" means to:

(1) give, sell, deliver, dispense, issue, or offer to give, sell, deliver, dispense, or issue; or

(2) cause or hire a person to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense, or issue.

(c) (1) "Tobacco product" means a substance containing tobacco or nicotine.

(2) "Tobacco product" includes cigarettes, cigars, smoking tobacco, snuff, and smokeless tobacco, AND CANDY-LIKE PRODUCTS THAT CONTAIN NICOTINE TOBACCO.

(d) "Venereal disease" includes gonorrhea, syphilis, chancroid, and any diseased condition of the human genitalia caused by, related to, or resulting from a venereal disease.

(a) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product, if the coupon is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.

(b) (1) This subsection does not apply to the distribution of a tobacco product to a minor who is acting solely as the agent of the minor's employer if the employer distributes tobacco products for commercial purposes.

(2) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16 of the Business Regulation Article, may not distribute to a minor:

(i) a tobacco product;

(ii) a cigarette rolling paper; or

(iii) a coupon redeemable for a tobacco product.

(c) A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to a minor; or

(2) distribute a cigarette rolling paper to a minor.

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid
identification issued by an employer, government unit, or institution of higher 
education that positively identified the purchaser or recipient as at least 18 years of 
age.

(e) A person who violates this section is guilty of a misdemeanor and on 
conviction is subject to a fine not exceeding:

(1) $300 for a first violation;

(2) $1,000 for a second violation occurring within 2 years after the first 
violation; and

(3) $3,000 for each subsequent violation occurring within 2 years after 
the preceding violation.

(f) For purposes of this section, each separate incident at a different time and 
ocasion is a violation.

10-108.

(a) In this section, "violation" has the meaning stated in § 3-8A-01 of the 
Courts Article.

(b) This section does not apply to the possession of a tobacco product or 
cigarette rolling paper by a minor who is acting as the agent of the minor's employer 
within the scope of employment.

(c) A minor may not:

(1) use or possess a tobacco product or cigarette rolling paper; or

(2) obtain or attempt to obtain a tobacco product or cigarette rolling 
paper by using a form of identification that:

(i) is falsified; or

(ii) identifies an individual other than the minor.

(d) (1) A violation of this section is a civil offense.

(2) A minor who violates this section is subject to the procedures and 
dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(e) A law enforcement officer authorized to make arrests shall issue a citation 
to a minor if the law enforcement officer has probable cause to believe that the minor 
is committing or has committed a violation of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 
October 1, 2003.