

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 1258  
Judiciary

(Delegates Kelly and F. Turner)

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**Minors - Tobacco Products - Penalties**

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This bill establishes a new civil offense of a minor obtaining or attempting to obtain a tobacco product. The bill also alters the dispositions available to the court on a finding that a minor has committed specified violations regarding a tobacco product. The bill also requires a child found to have committed specified violations regarding a tobacco product to provide documentation of participation in a smoking cessation clinic and a work clinic, if ordered, not later than 120 days after the disposition hearing.

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**Fiscal Summary**

**State Effect:** The civil penalty provisions of this bill are not expected to significantly affect State finances or operations.

**Local Effect:** Potential minimal increase in local revenues due to the civil penalty provisions.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** After a finding that a child has used or possessed a tobacco product or cigarette rolling paper, obtained or attempted to obtain such by using a false form of identification, or otherwise obtained or attempted to obtain such, the court:

- must order the child to participate in a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use that is in the best interest of the child;
- must impose a civil fine of not more than \$25 for the first violation and a civil fine of not more than \$100 for a second or subsequent violation, payable if the child does not provide documentation of participation in a smoking cessation clinic or other presentation within 120 days after the disposition hearing; and
- may order the child to participate in a supervised work program within 120 days, for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation.

Not later than 120 days after the disposition hearing, the child must present documentation of participation in a smoking cessation program and, if ordered, participation in a supervised work program.

A minor may not obtain or attempt to obtain a tobacco product in a manner other than utilizing falsified identification.

**Current Law:** After a finding that a child has used or possessed a tobacco product or cigarette rolling paper or obtained or attempted to obtain a tobacco product or cigarette rolling paper by using a false form of identification, the court may:

- counsel the child and/or the parent, or order the child to participate in a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use that is in the best interest of the child;
- impose a civil fine of not more than \$25 for the first violation and not more than \$100 for a second or subsequent violation; or
- order the child to participate in a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation.

A minor may not:

- use or possess a tobacco product or cigarette rolling paper; or
- obtain or attempt to obtain a tobacco product or cigarette rolling paper by using a form of identification that:
  - is falsified; or
  - identifies an individual other than the minor.

A violation of this prohibition is a civil offense.

**Background:** According to the March 2005 edition of the *American Journal of Public Health*, 28% of teens smoked in 1997, but just 18% did in 2002.

**Local Revenues:** Local revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the circuit courts. The actual effect on revenues depends on the number of cases where the child did not provide documentation of participation in a smoking cessation clinic and/or work program.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 861 (Senator Klausmeier) – Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2005  
mam/jr

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