

HB1504/133898/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1504
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “, Waldstreicher, Angel, Barron, Bromwell, Hammen, Hayes, Hill, Kelly, Krebs, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Sample-Hughes, West, and K. Young”.

AMENDMENT NO. 2

On page 1, in line 4, strike “a person” and substitute “certain persons”; in line 5, after “minor” insert “, with certain exceptions”; in line 20, after “strategies” insert “and certain training and assistance”; and after line 28, insert:

“BY repealing and reenacting, without amendments,
Article - Criminal Law
Section 10-107 and 10-108
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

On page 2, in line 21, after “**UNDER**” insert “**SUBSECTION (B) OF**”; and after line 21, insert:

“Article – Criminal Law

10–107.

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

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(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 or tobacco paraphernalia to a minor who is acting solely as the agent of the minor's employer if the employer distributes tobacco products or tobacco paraphernalia 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) tobacco paraphernalia; 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 tobacco paraphernalia 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.

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(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 occasion 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

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(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.”.

On page 3, in line 28, after “OF” insert “**SUBSECTION (B) OF**”.

On page 4, in line 30, after “OF” insert “**SUBSECTION (B) OF**”; and in the same line, strike “**PROSECUTED**” and substitute “**HANDLED**”.

On pages 4 and 5, strike beginning with “AND” in line 30 on page 4 down through “EXTENT” in line 1 on page 5.

On page 5, strike beginning with “LAWS” in line 11 down through “MINORS” in line 12 and substitute “**§§ 10-107 AND 10-108 OF THE CRIMINAL LAW ARTICLE**”; in line 15, after “ON” insert “:

(I)”;

in the same line, strike “THE” and substitute “**THE**”; and in line 16, after “SUBSECTION” insert “;**AND**

(II) TRAINING AND ASSISTANCE TO TOBACCO RETAILERS TO IMPROVE COMPLIANCE WITH § 10-107 OF THE CRIMINAL LAW ARTICLE”.

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On page 6, in line 27, strike “**(3)**” and substitute “**(E)**”; in line 30, strike “**(I)**” and substitute “**(1)**”; and strike beginning with the second “A” in line 31 down through “MINOR” in line 32 and substitute “**§ 10-107 OF THE CRIMINAL LAW ARTICLE, AND THE AGGREGATE NUMBER OF MINORS WHO COMMITTED A VIOLATION OF § 10-108 OF THE CRIMINAL LAW ARTICLE,**”.

On page 7, in lines 1 and 4, strike “**(II)**” and “**(III)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively; and in line 2, after “**RETAILERS**” insert “**AND MINORS**”.