

**HB1094/943093/1**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1094  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after the semicolon insert “authorizing certain law enforcement officers to issue a civil citation to a person who distributes certain tobacco products to a minor;”; and in line 15, after “cross-reference;” insert “making certain technical corrections;”.

On page 2, in line 1, after “(b)” insert “and 24–307(b) and (e)(1)”; and in line 6, after “24–305(c)” insert “and 24–307(c) and (e)(2)”.

AMENDMENT NO. 2

On page 3, in line 30, strike “Enforcement of a civil penalty for a violation of this section” and substitute “ISSUANCE OF A CIVIL CITATION FOR THE SALE OF A TOBACCO PRODUCT OR AN ELECTRONIC NICOTINE DELIVERY SYSTEM TO A MINOR”.

On page 4, in line 1, strike the brackets; and strike beginning with “§ 24–305” in line 1 down through “ARTICLE” in line 2.

On page 5, in line 14, strike “A CONVICTION” and substitute “ISSUANCE OF A CIVIL CITATION”; in lines 14 and 15, strike “A PROCEEDING FOR A CIVIL PENALTY” and substitute “PROSECUTION”; and after line 16, insert:

“24–307.

(b) 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:

(Over)

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- (1) A tobacco product;
- (2) Tobacco paraphernalia; or
- (3) A coupon redeemable for a tobacco product.

(c) (1) A person who violates subsection (b) of this section is subject to a civil penalty not exceeding:

- (i) \$300 for a first violation;
- (ii) \$1,000 for a second violation occurring within 24 months after the first violation; and
- (iii) \$3,000 for each subsequent violation occurring within 24 months after the preceding violation.

(2) The local health departments shall report violations of subsection (b) of this section to the Comptroller's Office.

(3) [A conviction] ISSUANCE OF A CIVIL CITATION for a violation of this section precludes [a proceeding for a civil penalty] PROSECUTION under [§ 24–307 of the Health – General] § 10–107 OF THE CRIMINAL LAW Article arising out of the same violation.

(e) (1) In this subsection, “designee” means a retired sworn law enforcement officer employed by a county health officer or an employee of a local health department trained in civil enforcement.

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(2) A SWORN LAW ENFORCEMENT OFFICER, A county health officer, or a designee of a county health officer may issue a civil citation for a violation of subsection (b) of this section.