

Chapter 314

(Senate Bill 310)

AN ACT concerning

Baltimore City – Unpackaged Cigarettes – Prohibition on Sale

FOR the purpose of prohibiting a certain person from selling an unpackaged cigarette; authorizing an enforcement officer of the Tobacco Use Prevention and Cessation Program in the Baltimore City Health Department to enforce this Act in a certain manner; requiring an enforcement officer to report a violation of this Act to a State’s Attorney; providing that issuance of a citation for violation of a certain provision of law precludes prosecution under this Act for a violation arising out of the same incident; providing for the application of this Act; defining a certain term; and generally relating to the sale of unpackaged cigarettes in Baltimore City.

BY adding to

Article – Business Regulation
Section 16–308.2
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – Business Regulation

16–308.2.

(A) IN THIS SECTION, “UNPACKAGED CIGARETTE” MEANS ANY CIGARETTE NOT CONTAINED IN A SEALED PACKAGE OF 20 OR MORE CIGARETTES THAT ARE DESIGNED AND INTENDED TO BE SOLD AS A UNIT.

(B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

(C) A PERSON WHO HOLDS A COUNTY LICENSE MAY NOT SELL AN UNPACKAGED CIGARETTE.

(D) (1) AN ENFORCEMENT OFFICER OF THE TOBACCO USE PREVENTION AND CESSATION PROGRAM IN THE BALTIMORE CITY HEALTH DEPARTMENT MAY ENFORCE THIS SECTION BY ENTERING AND INSPECTING, AT A REASONABLE TIME, THE PREMISES OF A COUNTY LICENSE HOLDER.

(2) AN ENFORCEMENT OFFICER SHALL REPORT A VIOLATION OF THIS SECTION TO A STATE'S ATTORNEY.

(E) ISSUANCE OF A CITATION BY THE COMPTROLLER FOR A VIOLATION OF § 16-215 OF THIS TITLE PRECLUDES A PROSECUTION FOR A VIOLATION UNDER THIS SECTION ARISING OUT OF THE SAME INCIDENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.