

# SENATE BILL 239

F3

(PRE-FILED)

11r0310  
CF 11r1637

---

By: **Senator Bailey**

Requested: July 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Public and Nonpublic Schools – Prohibition on Possession**  
3 **of Tobacco Products by Minors**

4 FOR the purpose of prohibiting a minor from possessing a tobacco product in a school  
5 building or on school grounds of certain schools in St. Mary's County; establishing  
6 certain penalties for violating a certain prohibition; making this law applicable only  
7 in St. Mary's County; defining certain terms; and generally relating to tobacco  
8 possession by minors on school property in St. Mary's County.

9 BY adding to

10 Article – Education

11 Section 26–105

12 Annotated Code of Maryland

13 (2018 Replacement Volume and 2020 Supplement)

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

16 **Article – Education**

17 **26–105.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(2) “MINOR” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) "SCHOOL BUILDING" MEANS A BUILDING OWNED OR LEASED BY**  
2 **THE ST. MARY'S COUNTY PUBLIC SCHOOL SYSTEM, A CHARTER SCHOOL, OR A**  
3 **NONPUBLIC SCHOOL.**

4           **(4) "SCHOOL GROUNDS" MEANS LAND THAT SURROUNDS A SCHOOL**  
5 **BUILDING THAT IS OWNED OR LEASED BY THE ST. MARY'S COUNTY PUBLIC SCHOOL**  
6 **SYSTEM, A CHARTER SCHOOL, OR A NONPUBLIC SCHOOL.**

7           **(5) (I) "TOBACCO PRODUCT" MEANS ANY PRODUCT DERIVED**  
8 **FROM THE TOBACCO PLANT THAT IS SMOKED, CHEWED, SNIFFED, OR OTHERWISE**  
9 **CONSUMED.**

10           **(II) "TOBACCO PRODUCT" DOES NOT INCLUDE:**

11                   **1. A NICOTINE REPLACEMENT PRODUCT; OR**

12                   **2. A TOBACCO PRODUCT USED FOR DEMONSTRATION**  
13 **PURPOSES IN ANTISMOKING OR DRUG EDUCATION CLASSES.**

14           **(B) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.**

15           **(C) A MINOR MAY NOT POSSESS A TOBACCO PRODUCT AT ANY TIME INSIDE**  
16 **A SCHOOL BUILDING OR ON SCHOOL GROUNDS.**

17           **(D) A MINOR WHO VIOLATES THIS SECTION:**

18                   **(1) FOR A FIRST OFFENSE, SHALL ATTEND A TOBACCO CESSATION**  
19 **PROGRAM;**

20                   **(2) FOR A SECOND OFFENSE, IS SUBJECT TO A CIVIL PENALTY NOT TO**  
21 **EXCEED \$50; AND**

22                   **(3) FOR A THIRD OR SUBSEQUENT VIOLATION, IS SUBJECT TO A CIVIL**  
23 **PENALTY NOT TO EXCEED \$100 FOR EACH VIOLATION.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2021.