

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2019, Legislative Day No. 14

Bill No. 42-19

Mr. Tom Quirk, Chairman
By Request of County Executive

By the County Council, September 3, 2019

A BILL
ENTITLED

AN ACT concerning

Public Health - Sales of Tobacco Products and Electronic Smoking Devices to Persons

Under the Age of 21

FOR the purpose of prohibiting the sale of tobacco products, including electronic smoking

devices, to persons under 21 years of age; providing for a certain exception; altering a

certain definition; raising the minimum age for persons whose identity must be checked

in order to purchase tobacco products or paraphernalia; providing for the effective date of

this Act; and generally relating to the sale of tobacco products, including electronic

smoking devices

By repealing and reenacting, with amendments

Sections 13-12-101, 13-12-102(b), 13-12-103, 13-12-103.1., and 13-12-105(a)(1)

Title 12. Distribution of Tobacco Products to Minors

Article 13. Public Health, Safety and the Environment

Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3 Article 13. Public Health, Safety and the Environment

4 Title 12. Distribution of Tobacco Products AND ELECTRONIC SMOKING DEVICES to

5 [Minors] PERSONS UNDER 21

6 § 13-12-101.

7 (a) In this title, the following words have the meanings indicated.

8 (b) "Distribute" means to:

9 (1) Give, sell, deliver, dispense, or issue; or

10 (2) Offer to give, sell, deliver, dispense, or issue; or

11 (3) Cause or hire any person to give, sell, deliver, dispense, or issue or offer to give, sell,
12 deliver, dispense, or issue.

13 (c) "Health Officer" includes the Health Officer's designee.

14 (d) ["Minor" means any person under 18 years of age.

15 (e)] "Owner" means a person engaged in the business of selling or otherwise distributing tobacco
16 products for commercial purposes.

17 [(f)] (E) "Tobacco paraphernalia" has the meaning stated in § 10-101 of the Criminal Law
18 Article of the Annotated Code of Maryland.

19 [(g)] (F) "Tobacco product" [means any substance containing tobacco, including cigarettes,
20 cigars, smoking tobacco, snuff, or smokeless tobacco] HAS THE MEANING STATED IN §
21 10-101 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED CODE OF
22 MARYLAND.

23 § 13-12-102.

1 (b) This title does not apply to the distribution of a tobacco product [to a minor] OR TOBACCO
2 PARAPHERNALIA TO:

3 (1) A PERSON UNDER THE AGE OF 21 who is acting solely as the agent of the [minor's]
4 PERSON'S employer if the employer distributes tobacco products OR TOBACCO
5 PARAPHERNALIA for commercial [purposes] PURPOSES; OR

6 (2) A PURCHASER OR RECIPIENT WHO:

7 (I) IS AT LEAST 18 YEARS OF AGE;

8 (II) IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND

9 (III) PRESENTS A VALID MILITARY IDENTIFICATION.

10 § 13-12-103.

11 (a) An owner may not distribute to a [minor] PERSON UNDER THE AGE OF 21:

12 (1) Any tobacco product;

13 (2) Tobacco paraphernalia; or

14 (3) A coupon redeemable for a tobacco product.

15 (b) A person other than an owner may not:

16 (1) Buy for or sell any tobacco product to a [minor] PERSON UNDER THE AGE OF 21;

17 or

18 (2) Distribute tobacco paraphernalia to a [minor] PERSON UNDER THE AGE OF 21.

19 (c) A violation of this section has not occurred if the owner or other distributor:

20 (1) Examined the purchaser's or recipient's [drivers] DRIVER'S license or another valid
21 identification issued by a government entity [or institution of higher education]; and

1 (2) That license or other identification positively identified the purchaser or recipient of a
2 tobacco product as at least [18] 21 years of age OR AS AT LEAST 18 YEARS OF AGE
3 AND AN ACTIVE DUTY MEMBER OF THE MILITARY.

4 § 13-12-103.1.

5 (a) Each owner or other distributor shall verify by means of ~~photographic~~ GOVERNMENT
6 ISSUED identification containing the bearer's date of birth that [no] EACH person purchasing
7 a tobacco product or tobacco paraphernalia [is a minor]:

8 (1) AT LEAST 21 YEARS OF AGE; OR

9 (2) AT LEAST 18 YEARS OF AGE AND AN ACTIVE DUTY MEMBER OF
10 THE MILITARY

11 (b) No such verification is required for any person over the age of ~~26~~ 27.

12 (c) Proof that the owner or other distributor demanded, was shown, and reasonably relied upon
13 proof of age shall be a defense to any action brought under this section.

14 ~~(d) An owner or other distributor is not required to verify the age of the individual purchasing~~
15 ~~the tobacco product if the owner or other distributor has personal knowledge, whether from~~
16 ~~personal acquaintance or from a previous demand for verification of age, that the purchaser is~~
17 ~~[not a minor]:~~

18 ~~(1) AT LEAST 21 YEARS OF AGE; OR.~~

19 ~~(2) AT LEAST 18 YEARS OF AGE AND AN ACTIVE DUTY MEMBER OF THE~~
20 ~~MILITARY.~~

21 § 13-12-105.

22 (a) (1) An owner who violates the distribution [to minors] provisions of § 13-12-103 of this
23 title in any calendar year is subject to a civil penalty as follows:

- 1 (i) \$500 for a first violation;
- 2 (ii) \$1,000 for a second violation; and
- 3 (iii) \$1,500 or suspension of all tobacco sales for one month or both for a third or
- 4 subsequent violation.

5

6 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect on the

7 date of enactment by the County Executive.