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**By: Delegate W. Baker**

Requested: October 16, 1995

Introduced and read first time: January 10, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products - Distribution by Minors Prohibited**

3 FOR the purpose of prohibiting a person under the age of 18 years from selling or  
4 otherwise distributing tobacco products for commercial purposes; prohibiting a  
5 person in the business of distributing tobacco products from allowing a minor to  
6 distribute tobacco products on the person's behalf; and generally relating to the  
7 distribution of tobacco by minors.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 404  
11 Annotated Code of Maryland  
12 (1992 Replacement Volume and 1995 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 404.

17 (a) (1) In this subheading the following words have the meanings indicated.

18 (2) "Tobacco product" means any substance containing tobacco, including  
19 cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.

20 (3) "Distribute" means to:

21 (i) Give away, sell, deliver, dispense, or issue;

22 (ii) Offer to give away, sell, deliver, dispense, or issue; or

23 (iii) Cause or hire any person to give away, sell, deliver, dispense, or  
24 issue or offer to give away, sell, deliver, dispense, or issue.

25 (b) (1) A person engaged in the business of selling or otherwise distributing  
26 tobacco products for commercial purposes, including persons licensed under Title 16 of  
27 the Business Regulation Article, may not:

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1 (i) Distribute any tobacco product to a minor, unless the minor is  
2 acting solely as the agent of the minor's employer, who is in the business of distributing  
3 tobacco products;

4 (ii) Distribute cigarette rolling papers to a minor; or

5 (iii) Distribute to any minor a coupon redeemable for any tobacco  
6 product.

7 (2) A person not described under paragraph (1) of this subsection may not:

8 (i) Purchase for or sell to a minor any tobacco product; or

9 (ii) Deliver or sell to a minor cigarette rolling papers.

10 (3) (I) A MINOR MAY NOT SELL OR OTHERWISE DISTRIBUTE ANY  
11 TOBACCO PRODUCT.

12 (II) A PERSON ENGAGED IN THE BUSINESS OF SELLING OR  
13 OTHERWISE DISTRIBUTING TOBACCO PRODUCTS MAY NOT ALLOW A MINOR TO  
14 DISTRIBUTE ANY TOBACCO PRODUCTS ON THE PERSON'S BEHALF.

15 (c) The provisions of subsection (b) of this section do not apply to the distribution  
16 of a coupon which is redeemable for any tobacco product when the coupon is contained  
17 in a newspaper, a magazine, or any other type of publication in which the coupon is  
18 incidental to the primary purpose of the publication, or sent through the mail.

19 (d) In a prosecution for a violation of subsection (b)(1) or (2) of this section, it  
20 shall be a defense that the defendant examined the purchaser's or recipient's driver's  
21 license or other valid identification issued by an employer, a governmental entity, or  
22 institution of higher education that positively identified the purchaser or recipient as at  
23 least 18 years old.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1996.