
By: Delegates Pendergrass, Billings, Barve, Bobo, Conroy, Cryor, Eckardt, Flanagan, Genn, Goldwater, Hubbard, Hurson, Kagan, Mandel, Morhaim, Petzold, and Pitkin

Introduced and read first time: January 12, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government - Sales of Tobacco Products**

3 FOR the purpose of authorizing a county, Baltimore City, or a municipal corporation to
4 regulate, by ordinance, the sale of cigarettes or other tobacco products; authorizing
5 a county, Baltimore City, or a municipal corporation to require certain licenses or
6 permits or otherwise restrict the sale of tobacco products notwithstanding the
7 possession of a certain license; authorizing a county, Baltimore City, or a municipal
8 corporation to suspend or revoke certain licenses or permits, establish certain civil
9 and criminal penalties, and establish certain procedures or requirements under
10 certain circumstances; and generally relating to regulation of the sale of cigarettes
11 or other tobacco products by a county, Baltimore City, or a municipal corporation.

12 BY repealing and reenacting, without amendments,
13 Article 24 - Political Subdivisions - Miscellaneous Provisions
14 Section 1-101(b)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1995 Supplement)

17 BY adding to
18 Article 24 - Political Subdivisions - Miscellaneous Provisions
19 Section 11-601 to be under the new subtitle "Subtitle 6. Sales of Tobacco Products"
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1995 Supplement)

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

24 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

25 1-101.

26 (b) "County" means a county of the State and Baltimore City.

2

1 SUBTITLE 6. SALES OF TOBACCO PRODUCTS.

2 11-601.

3 (A) A COUNTY OR MUNICIPAL CORPORATION MAY REGULATE, BY
4 ORDINANCE, THE SALE OF CIGARETTES OR OTHER TOBACCO PRODUCTS TO
5 PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE.

6 (B) AN ORDINANCE ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY
7 REQUIRE A PERSON TO OBTAIN A COUNTY OR MUNICIPAL CORPORATION LICENSE
8 OR PERMIT OR OTHERWISE RESTRICT THE SALE OF CIGARETTES OR OTHER
9 TOBACCO PRODUCTS NOTWITHSTANDING THE POSSESSION OF A LICENSE
10 REQUIRED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE.

11 (C) AN ORDINANCE ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY:

12 (1) PROVIDE FOR THE SUSPENSION OR REVOCATION OF A COUNTY OR
13 MUNICIPAL CORPORATION LICENSE OR PERMIT AUTHORIZED UNDER THIS SECTION
14 FOR A VIOLATION OF THE ORDINANCE;

15 (2) ESTABLISH A CIVIL PENALTY NOT EXCEEDING \$1,000;

16 (3) ESTABLISH A CRIMINAL PENALTY NOT EXCEEDING A FINE OF \$1,000
17 OR IMPRISONMENT FOR 6 MONTHS; AND

18 (4) ESTABLISH ANY PROCEDURE OR REQUIREMENT THAT THE COUNTY
19 OR MUNICIPAL CORPORATION CONSIDERS NECESSARY TO IMPLEMENT THE
20 PROVISIONS OF THIS SECTION.

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