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**By: Delegates Stup and Owings**

Introduced and read first time: January 15, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products - Illegal Distribution to Minors**

3 FOR the purpose of expanding the prohibition against the distribution of tobacco  
4 products, cigarette rolling papers, and tobacco product coupons to minors;  
5 providing that a certain law enforcement officer shall issue certain citations for  
6 violations of certain provisions of law regarding minors' access to tobacco products;  
7 and generally relating to minors' access to tobacco products.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 404 and 405  
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]  
9 DISTRIBUTE ANY TOBACCO PRODUCT TO A MINOR; [or]

10 (ii) [Deliver or sell to a minor cigarette rolling papers]DISTRIBUTE  
11 CIGARETTE ROLLING PAPERS TO A MINOR; OR

12 (III) DISTRIBUTE TO ANY MINOR A COUPON REDEEMABLE FOR  
13 ANY TOBACCO PRODUCT.

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

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

23 405.

24 (a) Except as provided in subsection (b) of this section, a person who violates §  
25 404(b) of this subheading shall be subject to:

26 (1) For a first violation, a fine of not more than \$300;

27 (2) For a second violation occurring within a 2-year period of the first  
28 violation, a fine of not more than \$1,000; and

29 (3) For a third or subsequent violation occurring within a 2-year period of  
30 the prior violation, a fine of not more than \$3,000.

31 (b) If the requirements of § 16-209(b)(2)(ii) of the Business Regulation Article  
32 are satisfied, the provisions of subsection (a) of this section do not apply to the owner of  
33 a tobacco product vending machine or any other person exercising control over a tobacco  
34 product vending machine if a person under 18 has purchased a tobacco product from a  
35 vending machine.

36 (c) For purposes of this section, a violation means a separate and distinct incident  
37 at a different time and occasion.

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1 (D) A LAW ENFORCEMENT OFFICER AUTHORIZED TO MAKE ARRESTS SHALL  
2 ISSUE A CIVIL CITATION TO A PERSON IF THE OFFICER HAS PROBABLE CAUSE TO  
3 BELIEVE THAT THE PERSON IS COMMITTING OR HAS COMMITTED A VIOLATION OF §  
4 404 OF THIS SUBHEADING.

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