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Introduced and read first time: January 25, 1996
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cigarette Vending Machines - Restrictions and Liabilities**

3 FOR the purpose of expanding restrictions on the sale of tobacco products to minors;
4 prohibiting employees or agents of certain persons from distributing tobacco
5 products and other certain items to minors; limiting the acceptable locations for the
6 sale or distribution of cigarettes through vending machines; prohibiting the sale or
7 distribution of cigarettes through vending machines in certain locations; providing
8 for a delayed effective date; and generally relating to the sale or distribution of
9 tobacco products.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 404
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

15 BY adding to
16 Article - Business Regulation
17 Section 16-209.1
18 Annotated Code of Maryland
19 (1992 Volume and 1995 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 404.

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

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

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1 (3) "Distribute" means to:

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

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

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

6 (b) (1) A person engaged in the business of selling or otherwise distributing
7 tobacco products for commercial purposes, including [persons] A PERSON licensed
8 under Title 16 of the Business Regulation Article OR AN EMPLOYEE OR AGENT OF THE
9 PERSON, may not:

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

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

14 (iii) Distribute to any minor a coupon redeemable for any tobacco
15 product.

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

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

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

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

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

28 **Article - Business Regulation**

29 16-209.1.

30 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE SALE OR
31 DISTRIBUTION OF CIGARETTES TO CONSUMERS THROUGH A VENDING MACHINE AS
32 PROVIDED IN THIS SUBTITLE SHALL BE LIMITED TO THE FOLLOWING LOCATIONS:

33 (1) ANY ESTABLISHMENT THAT POSSESSES AN ALCOHOLIC BEVERAGES
34 LICENSE ISSUED UNDER ARTICLE 2B OF THE CODE THAT ALLOWS CONSUMPTION OF
35 ALCOHOLIC BEVERAGES ON THE PREMISES OF THE ESTABLISHMENT;

36 (2) A HOTEL, MOTEL, OR GROCERY STORE IF THE VENDING MACHINE IS
37 DIRECTLY VISIBLE TO AN EMPLOYEE OR AGENT OF THE HOTEL OR MOTEL;

3

1 (3) THE PREMISES OF A FRATERNAL, RELIGIOUS, PATRIOTIC, OR
2 CHARITABLE ORGANIZATION OR CORPORATION, FIRE COMPANY, OR RESCUE
3 SQUAD THAT HOLDS EVENTS ON ITS OWN PROPERTY THAT ARE OPEN TO THE
4 PUBLIC;

5 (4) ANY LOCATION IN A BUSINESS, FACILITY, OR WORKPLACE THAT IS
6 NOT OPEN OR ACCESSIBLE TO THE PUBLIC; OR

7 (5) ANY LOCATION IN AN ESTABLISHMENT IN WHICH THE SALE OR
8 DISTRIBUTION OF CIGARETTES THROUGH A VENDING MACHINE REQUIRES:

9 (I) THE CONSUMER TO PURCHASE A TOKEN, CARD, OR SIMILAR
10 DEVICE FROM THE RETAILER OR VENDING MACHINE OPERATOR OR AN EMPLOYEE
11 OR AGENT OF THE RETAILER OR VENDING MACHINE OPERATOR, IN ORDER TO
12 OPERATE THE VENDING MACHINE; OR

13 (II) THE RETAILER OR VENDING MACHINE OPERATOR OR AN
14 EMPLOYEE OR AGENT OF THE RETAILER OR VENDING MACHINE OPERATOR TO USE
15 AN ELECTRONIC OR MECHANICAL REMOTE DEVICE TO OPERATE THE VENDING
16 MACHINE .

17 (B) A PERSON MAY NOT SELL OR DISTRIBUTE OR OFFER TO SELL OR
18 DISTRIBUTE CIGARETTES TO CONSUMERS THROUGH A VENDING MACHINE IN THE
19 FOLLOWING LOCATIONS:

20 (1) A BOWLING ALLEY;

21 (2) AN ICE OR ROLLER SKATING RINK;

22 (3) A MOTION PICTURE THEATER; OR

23 (4) A STATE-OWNED OFFICE BUILDING.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 January 1, 1997.