
By: Delegates Arnick, Taylor, Owings, Mossburg, Krysiak, Curran, Harrison, Minnick, Snodgrass, Schisler, Jacobs, Mohorovic, Hammen, Elliott, DeCarlo, Bozman, V. Mitchell, Conway, D. Hughes, Bissett, Slade, R. Baker, Conroy, Hubbard, Kopp, Goldwater, Brinkley, Redmer, McClenahan, Linton, Hutchins, Ports, O'Donnell, McHale, T. Murphy, C. Davis, C. Mitchell, Wood, Dewberry, Stup, and Klausmeier
Klausmeier, and Weir

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

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 24, 1996

CHAPTER ____

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)

2

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

3 **Article 27 - Crimes and Punishments**

4 404.

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

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

8 (3) "Distribute" means to:

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

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

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

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

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

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

21 (iii) Distribute to any minor a coupon redeemable for any tobacco
22 product.

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

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

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

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

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

3

1 **Article - Business Regulation**

2 16-209.1.

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

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

9 (2) A HOTEL, OR MOTEL, ~~OR GROCERY STORE~~ IF THE VENDING
10 MACHINE IS DIRECTLY VISIBLE TO AN EMPLOYEE OR AGENT OF THE HOTEL OR
11 MOTEL;

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

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

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

20 (I) THE CONSUMER TO PURCHASE A TOKEN, CARD, OR SIMILAR
21 DEVICE FROM THE RETAILER OR VENDING MACHINE OPERATOR OR AN EMPLOYEE
22 OR AGENT OF THE RETAILER OR VENDING MACHINE OPERATOR, IN ORDER TO
23 OPERATE THE VENDING MACHINE; OR

24 (II) THE RETAILER OR VENDING MACHINE OPERATOR OR AN
25 EMPLOYEE OR AGENT OF THE RETAILER OR VENDING MACHINE OPERATOR TO USE
26 AN ELECTRONIC OR MECHANICAL REMOTE DEVICE TO OPERATE THE VENDING
27 MACHINE .

28 (B) A PERSON MAY NOT SELL OR DISTRIBUTE OR OFFER TO SELL OR
29 DISTRIBUTE CIGARETTES TO CONSUMERS THROUGH A VENDING MACHINE IN THE
30 FOLLOWING LOCATIONS:

31 (1) A BOWLING ALLEY;

32 (2) AN ICE OR ROLLER SKATING RINK;

33 (3) A MOTION PICTURE THEATER; OR

34 (4) A STATE-OWNED OFFICE BUILDING.

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

