
By: Senators Ruben and Boozer

Introduced and read first time: January 25, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government - Authority to Regulate the Sale or Distribution of Tobacco Products**

3 FOR the purpose of authorizing a county, Baltimore City, or a municipal corporation to
4 regulate, by ordinance, the sale or distribution of tobacco products, including
5 over-the-counter sales and sales through vending machines; authorizing a county,
6 Baltimore City, or a municipal corporation to require a certain license for the
7 purpose of regulating the sale or distribution of tobacco products; authorizing a
8 county, Baltimore City, or a municipal corporation to suspend or revoke certain
9 licenses, establish certain civil and criminal penalties, and establish certain
10 procedures or requirements under certain circumstances; and generally relating to
11 the sales or distribution of tobacco products in a county, Baltimore City, or
12 municipal corporation.

13 BY repealing and reenacting, without amendments,
14 Article 24 - Political Subdivisions - Miscellaneous Provisions
15 Section 1-101(b)
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1995 Supplement)

18 BY adding to
19 Article 24 - Political Subdivisions - Miscellaneous Provisions
20 Section 11-601 to be under the new subtitle "Subtitle 6. Sales or Distribution of
21 Tobacco Products"
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1995 Supplement)

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

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

27 1-101.

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

2

1 SUBTITLE 6. SALES OR DISTRIBUTION OF TOBACCO PRODUCTS.

2 11-601.

3 (A) A COUNTY OR MUNICIPAL CORPORATION MAY REGULATE, BY
4 ORDINANCE, THE SALE OR DISTRIBUTION OF TOBACCO PRODUCTS, INCLUDING:

5 (1) OVER-THE-COUNTER SALES; AND

6 (2) SALES THROUGH VENDING MACHINES.

7 (B) A COUNTY OR MUNICIPAL CORPORATION MAY REQUIRE A PERSON TO
8 OBTAIN A LICENSE FOR THE SALE OR DISTRIBUTION OF TOBACCO PRODUCTS
9 UNDER SUBSECTION (A) OF THIS SECTION NOTWITHSTANDING THE POSSESSION OF
10 A LICENSE 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 AUTHORIZED UNDER THIS SECTION FOR A
14 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.