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**By: Senator Forehand**

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products - Placement of Vending Machines**

3 FOR the purpose of prohibiting the placement of tobacco product vending machines in  
4 certain locations; authorizing the placement of tobacco product vending machines  
5 in specified places, including places not accessible to minors; defining certain terms;  
6 and generally relating to the placement of tobacco product vending machines.

7 BY adding to

8 Article - Business Regulation  
9 Section 16-3A-01 through 16-3A-03, inclusive, to be under the new subtitle  
10 "Subtitle 3A. Placement of Tobacco Product Vending Machines"  
11 Annotated Code of Maryland  
12 (1992 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 - Business Regulation**

16 SUBTITLE 3A. PLACEMENT OF TOBACCO PRODUCT VENDING MACHINES.

17 16-3A-01.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (B) (1) "OWNER" MEANS THE PERSON WHO OWNS OR OPERATES AN  
21 ESTABLISHMENT IN WHICH A TOBACCO PRODUCT VENDING MACHINE IS LOCATED.

22 (2) "OWNER" INCLUDES AN AGENT OR EMPLOYEE OF THE OWNER.

23 (C) (1) "TAVERN" MEANS ANY ESTABLISHMENT IN WHICH:

24 (I) ALCOHOLIC BEVERAGES ARE SOLD OR SERVED FOR ON-SITE  
25 CONSUMPTION; AND

26 (II) THE SERVICE OF FOOD GENERATES LESS THAN 40% OF THE  
27 TOTAL ANNUAL GROSS SALES OF THE TAVERN.

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1                   (2) "TAVERN" DOES NOT INCLUDE A BAR LOCATED IN A PUBLIC PLACE  
2 IN WHICH THE SALE OF ALCOHOLIC BEVERAGES IS INCIDENTAL TO THE PRIMARY  
3 PURPOSE OF THE ESTABLISHMENT SUCH AS BARS LOCATED IN RESTAURANTS,  
4 CATERING HALLS, BOWLING ALLEYS, BILLIARD PARLORS, SKATING RINKS,  
5 THEATERS, SPORTS ARENAS, OR ANY PUBLIC PLACE THAT OFFERS OVERNIGHT  
6 ACCOMMODATIONS.

7                   (D) "TOBACCO PRODUCT" MEANS ANY SUBSTANCE CONTAINING TOBACCO,  
8 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS  
9 TOBACCO.

10                  (E) "VENDING MACHINE" MEANS ANY MECHANICAL, ELECTRONIC, OR  
11 SIMILAR DEVICE.

12 16-3A-02.

13                  (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON  
14 MAY NOT OPERATE A TOBACCO PRODUCT VENDING MACHINE IN ANY AREA OF THE  
15 STATE.

16                  (B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
17 SUBSECTION, A PERSON MAY OPERATE A TOBACCO PRODUCT VENDING MACHINE  
18 IN:

19                                 (I) A TAVERN;

20                                 (II) A TOBACCO SHOP; OR

21                                 (III) AN ESTABLISHMENT IN WHICH A MINOR IS PROHIBITED BY  
22 LAW FROM ENTERING.

23                  (2) THE OWNER OF AN ESTABLISHMENT DESCRIBED UNDER  
24 PARAGRAPH (1) OF THIS SUBSECTION SHALL PLACE THE TOBACCO VENDING  
25 MACHINE IN A LOCATION IN THE ESTABLISHMENT THAT IS:

26                                 (I) AT A MINIMUM DISTANCE OF 25 FEET FROM ANY ENTRANCE  
27 TO THE ESTABLISHMENT; OR

28                                 (II) DIRECTLY VISIBLE TO THE OWNER OR SUPERVISOR OF THE  
29 ESTABLISHMENT.

30 16-3A-03.

31                  A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND,  
32 ON CONVICTION, IS SUBJECT TO A FINE OF \$100.

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