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HB 998/95 - ENV

1996 Regular Session
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CF HB 29

By: ~~Senator Forehand~~ Senators Forehand, Frosh, Van Hollen, Teitelbaum, Pinsky, Boozer, Kelley, Madden, Trotter, Young, Lawlah, and Ruben

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 1996

CHAPTER ____

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; authorizing the
6 operation of a tobacco product vending machine in any establishment if the machine
7 may only be operated in a certain manner; defining certain terms; and generally
8 relating to the placement of tobacco product vending machines.

9 BY adding to

10 Article - Business Regulation
11 Section 16-3A-01 through 16-3A-03, inclusive, to be under the new subtitle
12 "Subtitle 3A. Placement of Tobacco Product Vending Machines"
13 Annotated Code of Maryland
14 (1992 Volume and 1995 Supplement)

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

17 **Article - Business Regulation**

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

19 16-3A-01.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

2

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

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

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

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

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

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

15 (D) "TOBACCO PRODUCT" MEANS ANY SUBSTANCE CONTAINING TOBACCO,
16 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS
17 TOBACCO.

18 (E) "VENDING MACHINE" MEANS ANY MECHANICAL, ELECTRONIC, OR
19 SIMILAR DEVICE.

20 16-3A-02.

21 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OR SUBSECTION (C) OF THIS
22 SECTION, A PERSON MAY NOT OPERATE A TOBACCO PRODUCT VENDING MACHINE
23 IN ANY AREA OF THE STATE.

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

27 (I) A TAVERN;

28 (II) A TOBACCO SHOP; OR

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

31 (2) THE OWNER OF AN ESTABLISHMENT DESCRIBED UNDER
32 PARAGRAPH (1) OF THIS SUBSECTION SHALL PLACE THE TOBACCO PRODUCT
33 VENDING MACHINE IN A LOCATION IN THE ESTABLISHMENT THAT IS:

34 ~~(I) AT A MINIMUM DISTANCE OF 25 FEET FROM ANY ENTRANCE~~
35 ~~TO THE ESTABLISHMENT; OR~~

36 ~~(II) DIRECTLY VISIBLE TO THE OWNER OR SUPERVISOR OF THE~~
37 ~~ESTABLISHMENT.~~

3

1 (C) AN OWNER OF AN ESTABLISHMENT MAY OPERATE A TOBACCO PRODUCT
2 VENDING MACHINE IN THE ESTABLISHMENT IF THE VENDING MACHINE MAY ONLY
3 BE OPERATED WITH A TOKEN, CARD, OR SIMILAR DEVICE THAT AN INDIVIDUAL
4 CAN ONLY OBTAIN OR PURCHASE FROM AN EMPLOYEE OR AGENT OF THE OWNER.

5 16-3A-03.

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

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