
By: Delegates Stup and Owings

Requested: October 8, 1996

Introduced and read first time: January 8, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products - Distribution to Minors**

3 FOR the purpose of expanding the prohibition against the distribution of tobacco
4 products, cigarette rolling papers, and tobacco product coupons to minors; requiring
5 certain law enforcement officers to issue certain citations for violations of a certain
6 provision of law related to minors' access to tobacco products; and generally
7 relating to minors' access to tobacco products.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 404 and 405
11 Annotated Code of Maryland
12 (1996 Replacement Volume)

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

15 **Article 27 - Crimes and Punishments**

16 404.

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

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

20 (3) "Distribute" means to:

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

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

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

25 (b) (1) A person engaged in the business of selling or otherwise distributing
26 tobacco products for commercial purposes, including persons licensed under Title 16 of
27 the Business Regulation Article, may not:

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

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

5 (iii) Distribute to any minor a coupon redeemable for any tobacco
6 product.

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

8 (i) Purchase for or [sell] DISTRIBUTE to a minor any tobacco
9 product; [or]

10 (ii) [Deliver or sell to a minor cigarette rolling papers] DISTRIBUTE
11 CIGARETTE ROLLING PAPERS TO A MINOR; OR

12 (III) DISTRIBUTE TO A MINOR A COUPON REDEEMABLE FOR A
13 TOBACCO PRODUCT.

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

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

23 405.

24 (a) Except as provided in subsection [(b)] (C) of this section, a person who
25 violates § 404(b) of this subheading shall be subject to:

26 (1) For a first violation, a fine of not more than \$300;

27 (2) For a second violation occurring within a 2-year period of the first
28 violation, a fine of not more than \$1,000; and

29 (3) For a third or subsequent violation occurring within a 2-year period of
30 the prior violation, a fine of not more than \$3,000.

31 (B) (1) A LAW ENFORCEMENT OFFICER AUTHORIZED TO MAKE ARRESTS
32 SHALL ISSUE A CIVIL CITATION TO A PERSON IF THE OFFICER HAS PROBABLE CAUSE
33 TO BELIEVE THAT THE PERSON IS COMMITTING OR HAS COMMITTED A VIOLATION
34 OF § 404(B) OF THIS SUBHEADING.

35 (2) A PERSON ISSUED A CITATION UNDER PARAGRAPH (1) OF THIS
36 SUBSECTION IS SUBJECT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION.

37 [(b)] (C) If the requirements of § 16-209(b)(2)(ii) of the Business Regulation
38 Article are satisfied, the provisions of subsection (a) of this section do not apply to the

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1 owner of a tobacco product vending machine or any other person exercising control over
2 a tobacco product vending machine if a person under 18 has purchased a tobacco product
3 from a vending machine.

4 [(c)] (D) For purposes of this section, a violation means a separate and distinct
5 incident at a different time and occasion.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1997.