
**By: Delegates Elliott, Edwards, Snodgrass, Brinkley, Stull, Stocksdale, Harkins,
Owings, Getty, Holt, Kittleman, La Vay, Leopold, M. Burns, Jacobs, and Hecht**

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting the placement of vending machines that sell or dispense
4 tobacco products in certain locations; authorizing the placement of vending
5 machines that sell or dispense tobacco products in specified locations, including
6 locations not accessible to minors; authorizing the operation of a vending machine
7 that sells or dispenses tobacco products in any location if the vending machine may
8 only be operated in a certain manner; providing for a certain penalty; defining
9 certain terms; and generally relating to the placement of vending machines that sell
10 or dispense tobacco products.

11 BY adding to

12 Article - Business Regulation
13 Section 16-3A-01 through 16-3A-03, inclusive, to be under the new subtitle
14 "Subtitle 3A. Placement of Tobacco Product Vending Machines"
15 Annotated Code of Maryland
16 (1992 Volume and 1996 Supplement)

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

19 **Article - Business Regulation**

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

21 16-3A-01.

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

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

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

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

2

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

3 (II) THE SERVICE OF FOOD GENERATES LESS THAN 40% OF THE
4 TOTAL ANNUAL GROSS SALES OF THE ESTABLISHMENT.

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

11 (D) "TOBACCO PRODUCT" MEANS ANY SUBSTANCE CONTAINING TOBACCO,
12 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS
13 TOBACCO.

14 (E) "VENDING MACHINE" MEANS ANY MECHANICAL, ELECTRONIC, OR
15 SIMILAR SELF-SERVICE DEVICE THAT ON INSERTION OF A COIN, COINS, TOKEN, OR
16 OTHER SIMILAR MEANS, DISPENSES A TOBACCO PRODUCT.

17 16-3A-02.

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON
19 MAY NOT SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO PRODUCT
20 BY MEANS OF A VENDING MACHINE IN ANY LOCATION IN THE STATE.

21 (B) A PERSON MAY SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A
22 TOBACCO PRODUCT BY MEANS OF A VENDING MACHINE IN A LOCATION IN THE
23 STATE IF THE VENDING MACHINE:

24 (1) IS PLACED IN:

25 (I) A TAVERN;

26 (II) A TOBACCO SHOP; OR

27 (III) AN ESTABLISHMENT IN WHICH A MINOR IS PROHIBITED BY
28 LAW FROM ENTERING; OR

29 (2) MAY ONLY BE OPERATED:

30 (I) WITH A TOKEN, CARD, OR SIMILAR DEVICE THAT AN
31 INDIVIDUAL CAN ONLY OBTAIN OR PURCHASE FROM AN EMPLOYEE OR AGENT OF
32 AN OWNER; OR

33 (II) BY MEANS OF AN ELECTRONIC OR MECHANICAL REMOTE
34 DEVICE.

35 16-3A-03.

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

3

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