
By: Delegates Klausmeier, Ciliberti, Owings, Redmer, Ports, Watson, Stull, C. Mitchell, Oaks, and McHale

Introduced and read first time: February 14, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cigarette Vending Machines - Operation and Location Restrictions**

3 FOR the purpose of requiring the sale or distribution of cigarettes through vending
4 machines by means of tokens, cards, or remote devices under certain circumstances;
5 limiting the acceptable locations for the sale or distribution of cigarettes through
6 vending machines under certain circumstances; and generally relating to the sale or
7 distribution of tobacco products.

8 BY adding to

9 Article - Business Regulation
10 Section 16-209.1
11 Annotated Code of Maryland
12 (1992 Volume and 1996 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 16-209.1.

17 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE SALE OR
18 DISTRIBUTION OF CIGARETTES TO CONSUMERS THROUGH A VENDING MACHINE AS
19 PROVIDED IN THIS SUBTITLE SHALL REQUIRE:

20 (1) THE CONSUMER TO PURCHASE A TOKEN, CARD, OR SIMILAR DEVICE
21 FROM THE RETAILER OR VENDING MACHINE OPERATOR OR AN EMPLOYEE OR
22 AGENT OF THE RETAILER OR VENDING MACHINE OPERATOR, IN ORDER TO
23 OPERATE THE VENDING MACHINE; OR

24 (2) THE RETAILER OR VENDING MACHINE OPERATOR OR AN
25 EMPLOYEE OR AGENT OF THE RETAILER OR VENDING MACHINE OPERATOR TO USE
26 AN ELECTRONIC OR MECHANICAL REMOTE DEVICE TO OPERATE THE VENDING
27 MACHINE.

2

1 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
2 REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO A VENDING
3 MACHINE LOCATED IN ANY ESTABLISHMENT THAT:

4 (I) IS A BAR OR A TAVERN;

5 (II) IS A FRATERNAL, RELIGIOUS, PATRIOTIC, OR CHARITABLE
6 ORGANIZATION OR CORPORATION, THAT HOLDS EVENTS ON ITS OWN PROPERTY
7 THAT ARE NOT OPEN TO THE GENERAL PUBLIC; OR

8 (III) IS A BUSINESS, FACILITY, OR WORKPLACE THAT IS NOT OPEN
9 OR ACCESSIBLE TO THE GENERAL PUBLIC BUT IS RESTRICTED TO PERSONS
10 EMPLOYED AND WORKING AT SUCH ESTABLISHMENT.

11 (2) A VENDING MACHINE LOCATED IN AN ESTABLISHMENT DESCRIBED
12 IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LOCATED IN AN AREA OF THE
13 ESTABLISHMENT THAT:

14 (I) IS NOT IN ANY PUBLIC ENTRANCE OF THE ESTABLISHMENT;
15 AND

16 (II) IS INSIDE THE ESTABLISHMENT AT LEAST 10 FEET AWAY FROM
17 ANY PUBLIC ENTRANCE OF THE ESTABLISHMENT.

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