
By: Senator Ruben

Requested: August 9, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products - Vending Machines - Access by Minors**

3 FOR the purpose of prohibiting the sale or dispensing of a tobacco product by means of
4 a vending machine; establishing certain exceptions; establishing a certain penalty;
5 repealing a certain exemption from certain penalties for sales of tobacco products to
6 minors for owners of and other persons exercising control over tobacco product
7 vending machines; defining certain terms; and generally relating to tobacco product
8 vending machines and access to tobacco product vending machines by minors.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 405
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

14 BY adding to
15 Article - Business Regulation
16 Section 16-3A-01 through 16-3A-03, inclusive, to be under the new subtitle
17 "Subtitle 3A. Placement of Tobacco Product Vending Machines"
18 Annotated Code of Maryland
19 (1992 Volume and 1996 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 405.

24 (a) [Except as provided in subsection (b) of this section, a] A person who violates
25 § 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

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

3 (b) [If the requirements of § 16-209(b)(2)(ii) of the Business Regulation Article
4 are satisfied, the provisions of subsection (a) of this section do not apply to the owner of
5 a tobacco product vending machine or any other person exercising control over a tobacco
6 product vending machine if a person under 18 has purchased a tobacco product from a
7 vending machine.

8 (c) For purposes of this section, a violation means a separate and distinct incident
9 at a different time and occasion.

10 **Article - Business Regulation**

11 **SUBTITLE 3A. PLACEMENT OF TOBACCO PRODUCT VENDING MACHINES.**

12 16-3A-01.

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) (1) "OWNER" MEANS THE PERSON THAT OWNS OR OPERATES AN
16 ESTABLISHMENT IN WHICH A VENDING MACHINE IS LOCATED.

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

18 (C) "TOBACCO PRODUCT" MEANS ANY SUBSTANCE CONTAINING TOBACCO,
19 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS
20 TOBACCO.

21 (D) "VENDING MACHINE" MEANS ANY MECHANICAL, ELECTRONIC, OR
22 SIMILAR SELF-SERVICE DEVICE THAT ON INSERTION OF A COIN, COINS, TOKEN, OR
23 OTHER SIMILAR MEANS DISPENSES A TOBACCO PRODUCT.

24 16-3A-02.

25 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OR (C) OF THIS SECTION, A
26 PERSON MAY NOT SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO
27 PRODUCT THROUGH A VENDING MACHINE IN ANY LOCATION IN THE STATE.

28 (B) AN OWNER OF AN ESTABLISHMENT MAY SELL OR DISPENSE OR OFFER TO
29 SELL OR DISPENSE A TOBACCO PRODUCT THROUGH A VENDING MACHINE PLACED
30 IN A LOCATION INSIDE THE ESTABLISHMENT IF THE ESTABLISHMENT IS NOT OPEN
31 TO THE GENERAL PUBLIC OR IS AN ESTABLISHMENT THAT MINORS ARE
32 PROHIBITED BY LAW FROM ENTERING.

33 (C) AN OWNER OF AN ESTABLISHMENT THAT IS OPEN TO THE GENERAL
34 PUBLIC MAY SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO
35 PRODUCT BY MEANS OF A VENDING MACHINE IF THE VENDING MACHINE:

36 (1) IS PLACED IN A LOCATION INSIDE THE ESTABLISHMENT THAT IS:

37 (I) AT A MINIMUM DISTANCE OF 10 FEET FROM ANY PUBLIC
38 ENTRANCE TO THE ESTABLISHMENT; AND

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1 (II) DIRECTLY VISIBLE TO THE OWNER OF THE ESTABLISHMENT
2 OR AN EMPLOYEE OR AGENT OF THE OWNER OF THE ESTABLISHMENT; OR

3 (2) MAY ONLY BE OPERATED WITH A TOKEN, CARD, OR SIMILAR
4 DEVICE THAT AN INDIVIDUAL CAN ONLY OBTAIN OR PURCHASE FROM AN
5 EMPLOYEE OR AGENT OF THE OWNER.

6 16-3A-03.

7 A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND
8 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

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