
By: Senator Boozer

Requested: November 5, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; defining certain terms;
6 and generally relating to the placement of tobacco product vending machines.

7 BY adding to

8 Article - Business Regulation
9 Section 16-3A-01 through 16-3A-03, inclusive, to be under the new subtitle
10 "Subtitle 3A. Placement of Tobacco Product Vending Machines"
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 SUBTITLE 3A. PLACEMENT OF TOBACCO PRODUCT VENDING MACHINES.

17 16-3A-01.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

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

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

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

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

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

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

7 (D) "TOBACCO PRODUCT" MEANS ANY SUBSTANCE CONTAINING TOBACCO,
8 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS
9 TOBACCO.

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

13 16-3A-02.

14 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON
15 MAY NOT OPERATE A TOBACCO PRODUCT VENDING MACHINE IN ANY LOCATION IN
16 THE STATE.

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

20 (I) A TAVERN;

21 (II) A TOBACCO SHOP; OR

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

24 (2) THE OWNER OF AN ESTABLISHMENT DESCRIBED UNDER
25 PARAGRAPH (1) OF THIS SUBSECTION SHALL PLACE THE TOBACCO VENDING
26 MACHINE IN A LOCATION IN THE ESTABLISHMENT THAT IS:

27 (I) AT A MINIMUM DISTANCE OF 25 FEET FROM ANY ENTRANCE
28 TO THE ESTABLISHMENT; OR

29 (II) DIRECTLY VISIBLE TO THE OWNER OR SUPERVISOR OF THE
30 ESTABLISHMENT.

31 16-3A-03.

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

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