

SENATE BILL 505

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SB 12/97 - JPR

1998 Regular Session
8lr2055

By: **Senator Boozer**

Introduced and read first time: February 6, 1998

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
5 machines in specified places, including places not accessible to minors; defining
6 certain terms; and generally relating to the placement of tobacco product
7 vending machines.

8 BY adding to

9 Article - Business Regulation

10 Section 16-3A-01 through 16-3A-03, inclusive, to be under the new subtitle

11 "Subtitle 3A. Placement of Tobacco Product Vending Machines"

12 Annotated Code of Maryland

13 (1992 Volume and 1997 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Business Regulation**

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

18 16-3A-01.

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

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

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

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

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

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

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

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

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

15 16-3A-02.

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

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

21 (I) A TAVERN;

22 (II) A TOBACCO SHOP; OR

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

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

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

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

32 16-3A-03.

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1998.

