

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 396  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Vending” insert “Sale by”; and in the same line, strike the second dash; strike in its entirety line 3; in line 4, after “or” insert “offer for sale of tobacco products by certain vending machines or other mechanical devices; establishing a certain penalty for violation of this Act; repealing certain provisions of law that provide an exception to a penalty for a certain sale of a tobacco product by the owner of a tobacco product vending machine; exempting certain entities from this Act; defining certain terms; and generally relating to the sale of tobacco products by certain vending machines or other mechanical devices.”; strike beginning with “dispensing” in line 12 down through the period in line 18; and before line 25, insert:

“BY adding to

Article - Health - General

Section 24-1001 through 24-1004, inclusive, to be under the new subtitle “Subtitle 10. Sale of Tobacco Products by Vending Machine”

Annotated Code of Maryland

(1996 Replacement Volume and 1998 Supplement)

BY repealing and reenacting, without amendments,

Article 27 - Crimes and Punishments

Section 404

Annotated Code of Maryland

(1996 Replacement Volume and 1998 Supplement)”.

On page 2, strike in their entirety lines 5 through 10, inclusive.

AMENDMENT NO. 2

On page 2, after line 12, insert:

(Over)

“Article - Health - General

SUBTITLE 10. SALE OF TOBACCO PRODUCTS BY VENDING MACHINE.

24-1001.

IN THIS SUBTITLE, “TOBACCO PRODUCT” MEANS ANY SUBSTANCE CONTAINING TOBACCO, INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS TOBACCO.

24-1002.

THIS SUBTITLE DOES NOT APPLY TO A VENDING MACHINE LOCATED IN AN ESTABLISHMENT THAT IS A BONA FIDE FRATERNAL OR VETERANS ORGANIZATION.

24-1003.

A PERSON MAY NOT SELL OR OFFER FOR SALE A TOBACCO PRODUCT BY MEANS OF A VENDING MACHINE OR OTHER MECHANICAL DEVICE USED FOR DISPENSING TOBACCO PRODUCTS UNLESS THE VENDING MACHINE OR MECHANICAL DEVICE:

- (1) ACCEPTS ONLY TOKENS; AND
- (2) WAS IN USE ON JANUARY 1, 1999.

24-1004.

A PERSON WHO VIOLATES § 24-1003 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$500.”.

AMENDMENT NO. 3

On page 4, before line 19, insert:

“404.

- (a) (1) In this subheading the following words have the meanings indicated.
- (2) “Tobacco product” means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.
- (3) “Distribute” means to:
  - (i) Give away, sell, deliver, dispense, or issue;
  - (ii) Offer to give away, sell, deliver, dispense, or issue; or
  - (iii) Cause or hire any person to give away, sell, deliver, dispense, or issue or offer to give away, sell, deliver, dispense, or issue.
- (b) (1) A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes, including persons licensed under Title 16 of the Business Regulation Article, may not:
  - (i) Distribute any tobacco product to a minor, unless the minor is acting solely as the agent of the minor’s employer, who is in the business of distributing tobacco products;
  - (ii) Distribute cigarette rolling papers to a minor; or
  - (iii) Distribute to any minor a coupon redeemable for any tobacco product.
- (2) A person not described under paragraph (1) of this subsection may not:
  - (i) Purchase for or sell to a minor any tobacco product; or
  - (ii) Deliver or sell to a minor cigarette rolling papers.

(Over)

(c) The provisions of subsection (b) of this section do not apply to the distribution of a coupon which is redeemable for any tobacco product when the coupon is contained in a newspaper, a magazine, or any other type of publication in which the coupon is incidental to the primary purpose of the publication, or sent through the mail.

(d) In a prosecution for a violation of subsection (b)(1) or (2) of this section, it shall be a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by an employer, a governmental entity, or institution of higher education that positively identified the purchaser or recipient as at least 18 years old."

On pages 5 and 6, strike in their entirety the lines beginning with line 1 on page 5 through line 3 on page 6, inclusive.

AMENDMENT NO. 4

On page 6, in line 5, strike "January 1, 2000" and substitute "October 1, 1999".