

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 396

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Forehand” and substitute “Forehand, Kelley, Dorman, and Hooper”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Sale by”; in the same line, strike “Distribution of Tokens to” and substitute “Access by”; strike beginning with “offer” in line 4 down through “devices” in line 12 and substitute “dispensing of a tobacco product by means of a vending machine; establishing certain exceptions; establishing a certain penalty; repealing a certain exemption from certain penalties for sales of tobacco products to minors for owners of and other persons exercising control over tobacco product vending machines; defining certain terms; providing for a delayed effective date; and generally relating to tobacco product vending machines and access to tobacco product vending machines by minors”; strike in their entirety lines 13 through 18, inclusive; in line 21, strike “404 and”; and after line 23, insert:

“BY adding to

Article - Business Regulation

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

Placement of Tobacco Product Vending Machines”

Annotated Code of Maryland

(1998 Replacement Volume)”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 33, inclusive.

On pages 3 and 4, strike in their entirety the lines beginning with line 2 on page 3 through line 7 on page 4, inclusive; and after line 22, insert:

(Over)

“Article - Business Regulation

SUBTITLE 3A. PLACEMENT OF TOBACCO PRODUCT VENDING MACHINES.

16-3A-01.

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

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

(2) “OWNER” INCLUDES AN AGENT OR EMPLOYEE OF AN OWNER.

(C) “TOBACCO PRODUCT” MEANS ANY SUBSTANCE CONTAINING TOBACCO, INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS TOBACCO.

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

16-3A-02.

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

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

(C) AN OWNER OF AN ESTABLISHMENT THAT IS OPEN TO THE GENERAL PUBLIC MAY SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO

PRODUCT BY MEANS OF A VENDING MACHINE IF THE VENDING MACHINE:

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

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

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

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

16-3A-03.

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

AMENDMENT NO. 4

On page 4, in line 24, strike “October 1, 1999” and substitute “January 1, 2000”.