
By: **Senator Harris**

Introduced and read first time: March 1, 1999

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 3, 1999

Committee Report: Favorable

Senate action: Adopted

Read second time: March 25, 1999

CHAPTER _____

1 AN ACT concerning

2 **Tobacco Products and Paraphernalia - Minors - Prohibitions**

3 FOR the purpose of prohibiting certain persons in the business of selling tobacco
4 paraphernalia from distributing tobacco paraphernalia to minors; prohibiting
5 minors from purchasing tobacco products unless the minors are acting as the
6 agents of the minors' employers within the scope of their employment;
7 prohibiting minors from possessing or purchasing tobacco paraphernalia unless
8 the minors are acting as the agents of the minors' employers within the scope of
9 their employment; and generally relating to access of minors to tobacco products
10 and tobacco paraphernalia.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 404 and 406
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 404.

20 (a) (1) In this subheading the following words have the meanings indicated.

1 (2) "TOBACCO PARAPHERNALIA" MEANS OBJECTS USED, INTENDED FOR
2 USE, OR DESIGNED FOR USE IN INHALING OR OTHERWISE INTRODUCING TOBACCO
3 PRODUCTS INTO THE HUMAN BODY.

4 (3) "TOBACCO PARAPHERNALIA" INCLUDES:

5 (I) CIGARETTE ROLLING PAPERS;

6 (II) METAL, WOODEN, ACRYLIC, GLASS, STONE, PLASTIC, OR
7 CERAMIC PIPES WITH OR WITHOUT SCREENS, PERMANENT SCREENS, HASHISH
8 HEADS, OR PUNCTURED METAL BOWLS;

9 (III) WATER PIPES;

10 (IV) CARBURETION TUBES AND DEVICES;

11 (V) SMOKING AND CARBURETION MASKS;

12 (VI) ROACH CLIPS OR OBJECTS USED TO HOLD BURNING MATERIAL,
13 SUCH AS A CIGARETTE, THAT HAS BECOME TOO SMALL OR TOO SHORT TO BE HELD
14 IN THE HAND;

15 (VII) CHAMBER PIPES;

16 (VIII) CARBURETOR PIPES;

17 (IX) ELECTRIC PIPES;

18 (X) AIR-DRIVEN PIPES;

19 (XI) CHILLUMS;

20 (XII) BONGS; AND

21 (XIII) ICE PIPES OR CHILLERS.

22 [(2)] (4) "Tobacco product" means any substance containing tobacco,
23 including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.

24 [(3)] (5) "Distribute" means to:

25 (i) Give away, sell, deliver, dispense, or issue;

26 (ii) Offer to give away, sell, deliver, dispense, or issue; or

27 (iii) Cause or hire any person to give away, sell, deliver, dispense, or
28 issue or offer to give away, sell, deliver, dispense, or issue.

29 (b) (1) A person engaged in the business of selling or otherwise distributing
30 tobacco products OR TOBACCO PARAPHERNALIA OR BOTH for commercial purposes,
31 including persons licensed under Title 16 of the Business Regulation Article, may not:

1 (i) Distribute any tobacco product OR TOBACCO PARAPHERNALIA
2 OR BOTH to a minor, unless the minor is acting solely as the agent of the minor's
3 employer, who is in the business of distributing tobacco products OR TOBACCO
4 PARAPHERNALIA OR BOTH; OR

5 [(ii) Distribute cigarette rolling papers to a minor; or

6 (iii)] (II) Distribute to any minor a coupon redeemable for any
7 tobacco product OR TOBACCO PARAPHERNALIA OR BOTH.

8 (2) A person not described under paragraph (1) of this subsection may
9 not[:

10 (i) Purchase] PURCHASE for, DELIVER TO, or sell to a minor any
11 tobacco product OR TOBACCO PARAPHERNALIA OR BOTH; or

12 (ii) Deliver or sell to a minor cigarette rolling papers].

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

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

23 406.

24 (a) A minor may not:

25 (1) Use or, unless acting as the agent of the minor's employer within the
26 scope of employment, possess OR PURCHASE any tobacco product or [cigarette rolling
27 papers] TOBACCO PARAPHERNALIA; or

28 (2) Use any falsified identification, or use any identification other than
29 his or her own, for the purpose of obtaining or attempting to obtain tobacco products
30 or [cigarette rolling papers] TOBACCO PARAPHERNALIA.

31 (b) For purposes of this section, a violation of the provisions of this section is
32 deemed a Code violation and is a civil offense.

33 (c) An individual who violates the provisions of this section shall be subject to
34 the procedures and dispositions provided in Title 3, Subtitle 8 of the Courts and
35 Judicial Proceedings Article.

1 (d) A law enforcement officer authorized to make arrests shall issue a citation
2 to a person if the officer has probable cause to believe that the child is committing or
3 has committed a Code violation.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1999.