

SENATE BILL 271

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SB 396/99 - JPR

2000 Regular Session
0lr1574

By: **Senators Ruben, Kelley, Forehand, Lawlah, Dorman, Hooper, Hughes,
and Hoffman**

Introduced and read first time: January 31, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products - Vending Machines - Access by Minors**

3 FOR the purpose of prohibiting the sale or dispensing of a tobacco product by means
4 of a vending machine; establishing certain exceptions; establishing a certain
5 penalty; repealing a certain exemption from certain penalties for sales of tobacco
6 products to minors for owners of and other persons exercising control over
7 tobacco product vending machines; defining certain terms; providing for a
8 delayed effective date; and generally relating to tobacco product vending
9 machines and access to tobacco product vending machines by minors.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 405
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

15 BY adding to
16 Article - Business Regulation
17 Section 16-3A-01 through 16-3A-03, inclusive, to be under the new subtitle
18 "Subtitle 3A. Placement of Tobacco Product Vending Machines"
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1999 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 405.

25 (a) [Except as provided in subsection (b) of this section, a] A person who
26 violates § 404(b) of this subheading shall be subject to:

27 (1) For a first violation, a fine of not more than \$300;

1 (2) For a second violation occurring within a 2-year period of the first
2 violation, a fine of not more than \$1,000; and

3 (3) For a third or subsequent violation occurring within a 2-year period
4 of the prior violation, a fine of not more than \$3,000.

5 [(b) If the requirements of § 16-209(b)(2)(ii) of the Business Regulation Article
6 are satisfied, the provisions of subsection (a) of this section do not apply to the owner
7 of a tobacco product vending machine or any other person exercising control over a
8 tobacco product vending machine if a person under 18 has purchased a tobacco
9 product from a vending machine.]

10 [(c)] (B) For purposes of this section, a violation means a separate and distinct
11 incident at a different time and occasion.

12 **Article - Business Regulation**

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

14 16-3A-01.

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

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

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

20 (C) "TOBACCO PRODUCT" MEANS ANY SUBSTANCE CONTAINING TOBACCO,
21 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS
22 TOBACCO.

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

26 16-3A-02.

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

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

1 (C) AN OWNER OF AN ESTABLISHMENT THAT IS OPEN TO THE GENERAL
2 PUBLIC MAY SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO
3 PRODUCT BY MEANS OF A VENDING MACHINE IF THE VENDING MACHINE MAY ONLY
4 BE OPERATED WITH A TOKEN, CARD, OR SIMILAR DEVICE THAT AN INDIVIDUAL CAN
5 ONLY OBTAIN OR PURCHASE FROM AN EMPLOYEE OR AGENT OF THE OWNER.

6 16-3A-03.

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 January 1, 2001.