
By: **Senator Ruben**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sale of Tobacco Products - Vending Machines - Affidavit of Compliance**

3 FOR the purpose of prohibiting a person from selling, dispensing, or offering to sell or
4 dispense a tobacco product through certain vending machines unless the person
5 submits a certain affidavit of compliance; specifying certain recipients of certain
6 affidavits; and generally relating to a certain prohibition on the sale, dispensing,
7 or offering to sell or dispense tobacco products through certain vending
8 machines unless a certain affidavit of compliance has been submitted.

9 BY repealing and reenacting, with amendments,
10 Article - Business Regulation
11 Section 16-3A-02
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 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 16-3A-02.

18 (A) A person may not sell or dispense or offer to sell or dispense a tobacco
19 product through a vending machine in the State, unless the vending machine:

20 (1) is located in an establishment that minors are prohibited by law from
21 entering or an establishment that is a bona fide fraternal or veterans organization; or

22 (2) can only be operated with a token, card, or similar device that an
23 individual can only obtain or purchase from the owner or an employee or agent of the
24 owner.

25 (B) (1) A PERSON MAY NOT SELL, DISPENSE, OR OFFER TO SELL OR
26 DISPENSE A TOBACCO PRODUCT UNDER SUBSECTION (A)(2) OF THIS SECTION
27 UNLESS THE PERSON SUBMITS A NOTARIZED AFFIDAVIT OF COMPLIANCE WITH
28 SUBSECTION (A)(2) OF THIS SECTION STATING THAT:

1 (I) THE OPERATION OF THE VENDING MACHINE HAS BEEN
2 CONVERTED TO A TOKEN, CARD, OR SIMILAR DEVICE; OR

3 (II) THE VENDING MACHINE WAS MANUFACTURED TO OPERATE
4 ONLY WITH A TOKEN, CARD, OR SIMILAR DEVICE.

5 (2) A PERSON REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
6 TO SUBMIT A NOTARIZED AFFIDAVIT SHALL SUBMIT THE AFFIDAVIT TO:

7 (I) THE COMPTROLLER, IF THE PERSON IS LICENSED OR APPLYING
8 FOR A LICENSE UNDER SUBTITLE 2 OF THIS TITLE; AND

9 (II) THE CLERK, IF THE PERSON IS LICENSED OR APPLYING FOR A
10 LICENSE UNDER SUBTITLE 3 OF THIS TITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2001.