

HOUSE BILL 344

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2002 Regular Session  
2r1900  
CF SB 138

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By: **Delegates Walkup, W. Baker, and Crouse**  
Introduced and read first time: January 25, 2002  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Kent County - Alcoholic Beverages Inspector - Tobacco Enforcement**

3 FOR the purpose of granting to an alcoholic beverages inspector for Kent County the  
4 power to enforce certain laws relating to unlawfully selling, distributing,  
5 purchasing, or possessing tobacco products; and generally relating to the powers  
6 of an alcoholic beverages inspector for Kent County.

7 BY repealing and reenacting, without amendments,  
8 Article 2B - Alcoholic Beverages  
9 Section 15-112(p)(1)  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Article 2B - Alcoholic Beverages  
14 Section 15-112(p)(5)  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume)

17 BY repealing and reenacting, without amendments,  
18 Article - Criminal Law  
19 Section 10-106, 10-107, and 10-108  
20 Annotated Code of Maryland  
21 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
22 2002)

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

25 **Article 2B - Alcoholic Beverages**

26 15-112.

27 (p) (1) This subsection applies only in Kent County.

- 1 (5) An alcoholic beverages inspector has the following powers and duties:
- 2 (i) To investigate all applicants for an alcoholic beverages license  
3 or transfer of license;
- 4 (ii) To enforce all alcoholic beverages laws of Kent County AND THE  
5 TOBACCO LAWS UNDER §§ 10-106, 10-107, AND 10-108 OF THE CRIMINAL LAW ARTICLE  
6 with the same powers as a law enforcement officer of the State;
- 7 (iii) To inspect, at unannounced times, every licensed premises at  
8 least once every 90 days;
- 9 (iv) To investigate all violations of the alcoholic beverages laws;
- 10 (v) To report all violations of the alcoholic beverages laws to the  
11 Board; and
- 12 (vi) To give monthly written reports to the Board covering all:
- 13 1. Inspection activities;
- 14 2. Complaints; and
- 15 3. Violations, either observed or reported.

16 **Article - Criminal Law**

17 10-106.

- 18 (a) A person may not sell or offer for sale a clove cigarette.
- 19 (b) A person who violates this section is guilty of a misdemeanor and on  
20 conviction is subject to a fine of \$500.

21 10-107.

- 22 (a) This section does not apply to the distribution of a coupon that is  
23 redeemable for a tobacco product, if the coupon is:
- 24 (1) contained in a newspaper, magazine, or other type of publication in  
25 which the coupon is incidental to the primary purpose of the publication; or
- 26 (2) sent through the mail.
- 27 (b) (1) This subsection does not apply to the distribution of a tobacco product  
28 to a minor who is acting solely as the agent of the minor's employer if the employer  
29 distributes tobacco products for commercial purposes.
- 30 (2) A person who distributes tobacco products for commercial purposes,  
31 including a person licensed under Title 16 of the Business Regulation Article, may not  
32 distribute to a minor:

- 1 (i) a tobacco product;
- 2 (ii) a cigarette rolling paper; or
- 3 (iii) a coupon redeemable for a tobacco product.
- 4 (c) A person not described in subsection (b)(2) of this section may not:
- 5 (1) purchase for or sell a tobacco product to a minor; or
- 6 (2) distribute a cigarette rolling paper to a minor.
- 7 (d) In a prosecution for a violation of this section, it is a defense that the
- 8 defendant examined the purchaser's or recipient's driver's license or other valid
- 9 identification issued by an employer, government unit, or institution of higher
- 10 education that positively identified the purchaser or recipient as at least 18 years of
- 11 age.
- 12 (e) A person who violates this section is guilty of a misdemeanor and on
- 13 conviction is subject to a fine not exceeding:
- 14 (1) \$300 for a first violation;
- 15 (2) \$1,000 for a second violation occurring within 2 years after the first
- 16 violation; and
- 17 (3) \$3,000 for each subsequent violation occurring within 2 years after
- 18 the preceding violation.
- 19 (f) For purposes of this section, each separate incident at a different time and
- 20 occasion is a violation.
- 21 10-108.
- 22 (a) In this section, "violation" has the meaning stated in § 3-8A-01 of the
- 23 Courts Article.
- 24 (b) This section does not apply to the possession of a tobacco product or
- 25 cigarette rolling paper by a minor who is acting as the agent of the minor's employer
- 26 within the scope of employment.
- 27 (c) A minor may not:
- 28 (1) use or possess a tobacco product or cigarette rolling paper; or
- 29 (2) obtain or attempt to obtain a tobacco product or cigarette rolling
- 30 paper by using a form of identification that:
- 31 (i) is falsified; or
- 32 (ii) identifies an individual other than the minor.

1 (d) (1) A violation of this section is a civil offense.

2 (2) A minor who violates this section is subject to the procedures and  
3 dispositions provided in Title 3, Subtitle 8A of the Courts Article.

4 (e) A law enforcement officer authorized to make arrests shall issue a citation  
5 to a minor if the law enforcement officer has probable cause to believe that the minor  
6 is committing or has committed a violation of this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2002.