

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 344
Economic Matters

(Delegate Walkup, *et al.*)

Kent County - Alcoholic Beverages Inspector - Tobacco Enforcement

This bill authorizes alcoholic beverages inspectors in Kent County to enforce laws and regulations relating to the unlawful selling, distributing, purchasing, or possessing of tobacco products.

Fiscal Summary

State Effect: State revenues and expenditures would not be significantly affected.

Local Effect: Kent County revenues and expenditures would not be significantly affected.

Small Business Effect: Minimal or none.

Analysis

Current Law: In Kent County, an alcoholic beverages inspector has the following powers and duties:

- to investigate all applicants for an alcoholic beverages license or transfer of license;
- to enforce all county alcoholic beverages laws with the same powers as a law enforcement officer;
- to perform unannounced inspections of licensed premises at least once every 90 days;
- to investigate all violations of the alcoholic beverages laws; and

- to report to the board of license commissioners regarding inspection activities, complaints, and violations.

Enforcement of tobacco sales to minors in Kent County is the responsibility of the County Sheriff. Montgomery County is the only jurisdiction in Maryland where alcoholic beverages inspectors who are not local law enforcement agents have the authority to enforce tobacco laws and regulations.

The sale of clove cigarettes is a misdemeanor, punishable by a fine of \$500. State law also prohibits the sale of tobacco products or cigarette rolling papers to minors. Violators are guilty of a misdemeanor and subject to a \$300 fine for a first offense; a \$1,000 fine for a second violation occurring within a two-year period of a prior violation; and a \$3,000 fine for a third or subsequent violation occurring within a two-year period of a prior violation. Charges for these two offenses are generally processed in District Court.

A minor may not use or possess a tobacco product or cigarette rolling paper or attempt to obtain a tobacco product or cigarette rolling paper using a false form of identification. A violation of this prohibition is a civil offense that would be processed through the juvenile court.

Fine revenue collected from District Court criminal cases goes to the State general fund. Fine revenue from juvenile court cases in Kent County goes to the county. Although the bill could result in increased enforcement of tobacco violations in Kent County and therefore increased fine collections in District Court and juvenile court, any such increases are not expected to be significant.

Background: Kent County advises that alcoholic beverages inspectors could enforce tobacco rules and regulations with existing resources. The tobacco laws that the alcoholic beverages inspector would be authorized to enforce include prohibitions on selling clove cigarettes, distributing tobacco products to minors, and the use and possession of tobacco products by minors. The bill does not exclude the Sheriff of Kent County from enforcing tobacco laws.

Additional Information

Prior Introductions: None.

Cross File: SB 138 (Senator Baker) – Judicial Proceedings.

Information Source(s): Kent County, Comptroller's Office (Alcohol and Tobacco Tax Division), Department of Legislative Services

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ncs/jr

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