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2003 Regular Session 3lr0437

By: Delegates Gordon, Barve, Doory, Krysiak, and Simmons

Introduced and read first time: January 16, 2003

Assigned to: Judiciary

A BILL ENTITLED

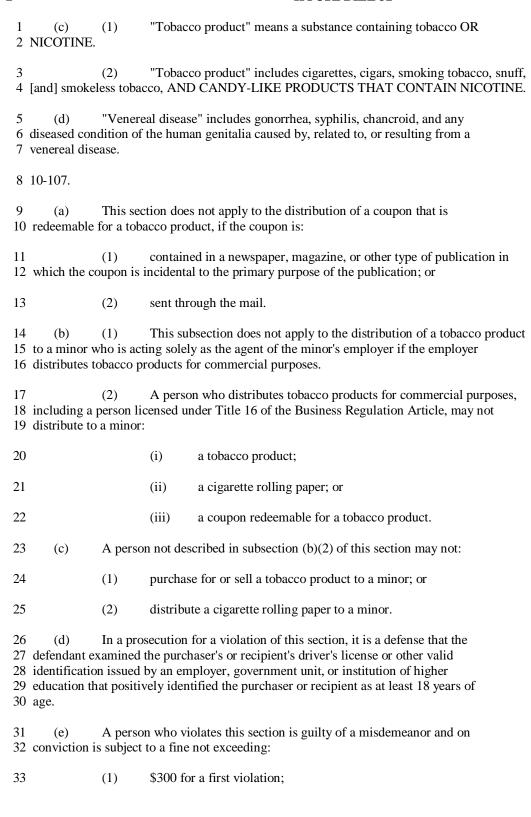
1	ΔN	ΔCT	concerning
	7 11 1	1101	concerning

2 Criminal Law - Candy-Like Products Containing Nicotine - Minors

- 3 FOR the purpose of adding candy-like products that contain nicotine to the definition
- of tobacco products prohibited to be sold to or possessed by a minor; and 4
- 5 generally relating to candy-like products that contain nicotine.
- 6 BY repealing and reenacting, with amendments,
- Article Criminal Law 7
- 8 Section 10-101
- Annotated Code of Maryland 9
- 10 (2002 Volume)
- 11 BY repealing and reenacting, without amendments,
- Article Criminal Law 12
- 13 Section 10-107 and 10-108
- Annotated Code of Maryland 14
- 15 (2002 Volume)
- 16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Law**

- 19 10-101.
- 20 In this part the following words have the meanings indicated. (a)
- 21 "Distribute" means to: (b)
- give, sell, deliver, dispense, issue, or offer to give, sell, deliver, 22
- 23 dispense, or issue; or
- 24 cause or hire a person to give, sell, deliver, dispense, issue or offer to (2)
- 25 give, sell, deliver, dispense, or issue.



HOUSE BILL 32

- 1 (2) \$1,000 for a second violation occurring within 2 years after the first 2 violation; and (3) \$3,000 for each subsequent violation occurring within 2 years after 4 the preceding violation. For purposes of this section, each separate incident at a different time and 6 occasion is a violation. 7 10-108. In this section, "violation" has the meaning stated in § 3-8A-01 of the 8 (a) 9 Courts Article. 10 (b) This section does not apply to the possession of a tobacco product or 11 cigarette rolling paper by a minor who is acting as the agent of the minor's employer within the scope of employment. 13 A minor may not: (c) 14 (1) use or possess a tobacco product or cigarette rolling paper; or 15 (2) obtain or attempt to obtain a tobacco product or cigarette rolling 16 paper by using a form of identification that: 17 (i) is falsified; or 18 (ii) identifies an individual other than the minor. 19 (d) (1) A violation of this section is a civil offense. 20 A minor who violates this section is subject to the procedures and 21 dispositions provided in Title 3, Subtitle 8A of the Courts Article. 22 A law enforcement officer authorized to make arrests shall issue a citation
- 23 to a minor if the law enforcement officer has probable cause to believe that the minor
- 24 is committing or has committed a violation of this section.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 26 October 1, 2003.