

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 435
Economic Matters

(Delegate Walkup, *et al.*)

Kent County - Alcoholic Beverages Inspector - Tobacco and Cigarette
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: Potential minimal increase in general fund revenues due to the bill's penalty provision.

Local Effect: Potential minimal increase in Kent County revenues due to the bill's penalty provision.

Small Business Effect: Minimal.

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.

State Fiscal Effect: Fine revenue collected from District Court criminal cases goes to the State general fund. Although the bill could result in increased enforcement of tobacco violations in Kent County and therefore increased fine collections in District Court, any such increase is not expected to be significant.

Local Fiscal Effect: 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 juvenile court, any such increase is not expected to be significant. 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.

Additional Comments: The bill does not exclude the Sheriff of Kent County from enforcing tobacco laws.

Additional Information

Prior Introductions: This bill was introduced at the 2002 session as SB 138/HB 344. SB 138 received a favorable report by the Senate Judicial Proceedings Committee and was adopted by the Senate. The House Economic Matters Committee did not take any action on the bill. HB 344 received an unfavorable report from the Economic Matters Committee.

Cross File: SB 417 (Senator Pipkin) – Judicial Proceedings.

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

Fiscal Note History: First Reader – February 26, 2003
lc/hlb

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