
By: **Delegates Petzold, Benson, Bobo, Conroy, Dumais, Franchot, Frush,
Gaines, Goldwater, Hubbard, Jones, Madaleno, Mandel, Menes, Moe,
Montgomery, Morhaim, Murray, Nathan-Pulliam, Parker, and V. Turner**

Introduced and read first time: February 11, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products - Display or Storage - Restrictions**

3 FOR the purpose of prohibiting certain retailers of tobacco products from displaying
4 or storing tobacco products in a certain manner; providing for the construction of
5 this Act; and generally relating to restriction on the display and storage of
6 tobacco products.

7 BY repealing and reenacting, with amendments,
8 Article - Business Regulation
9 Section 16-209
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Business Regulation
14 Section 16-3A-02
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2003 Supplement)

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

19 **Article - Business Regulation**

20 16-209.

21 (a) A licensee shall display a license in the way that the Comptroller requires
22 by regulation.

23 (b) A licensee who sells cigarettes through a vending machine:

1 (1) shall place each package of cigarettes in the machine so that when
2 the package is visible the tax stamps required by § 12-304 of the Tax - General
3 Article are also visible; and

4 (2) in the way that the Comptroller requires by regulation, shall:

5 (i) identify each vending machine with a conspicuous label that
6 states the licensee's name, address, and telephone number; and

7 (ii) display on a conspicuous label applicable prohibitions and
8 penalties under § 10-107 of the Criminal Law Article.

9 (C) (1) A LICENSED RETAILER MAY NOT DISPLAY OR STORE TOBACCO
10 PRODUCTS IN A PLACE THAT IS ACCESSIBLE TO A PURCHASER WITHOUT THE
11 INTERVENTION OF THE LICENSED RETAILER OR AN EMPLOYEE OF THE LICENSED
12 RETAILER UNLESS THE EXCEPTION IN § 16-3A-02 OF THIS TITLE IS MET.

13 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO PREEMPT THE
14 ENACTMENT OR ENFORCEMENT OF LOCAL ORDINANCES RESTRICTING THE DISPLAY
15 OR STORAGE OF A TOBACCO PRODUCT.

16 16-3A-02.

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2004.