

HOUSE BILL 915

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2004 Regular Session
4r1821

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 2004

CHAPTER _____

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 that this Act does not
5 apply to certain retail establishments; providing for the construction of this Act;
6 and generally relating to restriction on the display and storage of tobacco
7 products.

8 BY repealing and reenacting, with amendments,
9 Article - Business Regulation
10 Section 16-209
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2003 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Business Regulation
15 Section 16-3A-02
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2003 Supplement)

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

1

Article - Business Regulation

2 16-209.

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

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

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

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

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

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

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

18 (2) THIS SUBSECTION DOES NOT APPLY TO:

19 (I) A TOBACCONIST ESTABLISHMENT THAT ENGAGES PRIMARILY
20 IN THE SALE OF TOBACCO PRODUCTS OTHER THAN CIGARETTES, AS DEFINED IN §
21 16-101 OF THIS TITLE; OR

22 (II) A BUSINESS THAT ENGAGES PRIMARILY IN THE SALE OF BEER,
23 WINE, AND LIQUOR FOR RETAIL.

24 (2) (3) THIS SUBSECTION MAY NOT BE CONSTRUED TO PREEMPT THE
25 ENACTMENT OR ENFORCEMENT OF LOCAL ORDINANCES RESTRICTING THE DISPLAY
26 OR STORAGE OF A TOBACCO PRODUCT.

27 16-3A-02.

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

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

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

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