

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 1265 (Carroll County Delegation)  
Health and Government Operations

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**Carroll County - Tobacco Product Sales - Displays**

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This bill prohibits owners or operators of Carroll County businesses that sell tobacco products at retail from storing or displaying a tobacco product unless the tobacco product is outside immediate access to consumers and is accessible only to the owner, operator, an agent, or employee. A person who violates the provisions of the bill is committing a civil infraction subject to a \$100 civil fine for the first conviction and \$300 for each subsequent conviction. County health officers or their designees may issue civil citations to persons who violate the provisions of the bill. The Chief Judge of the District Court, in consultation with Carroll County health officers, must adopt specified procedures related to the penalty provisions of the bill. The bill grants exclusive original jurisdiction to the District Court.

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**Fiscal Summary**

**State Effect:** None. Any civil fines imposed would not accrue to the State.

**Local Effect:** Carroll County revenue increase due to civil fines imposed by the District Court.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** In Carroll County, there are no restrictions as to where tobacco retailers may display tobacco products.

**Background:** According to the Center for Tobacco Regulation, Litigation, and Advocacy, tobacco retailers often receive monetary incentives from tobacco companies for total sales of tobacco products and prominent displays of tobacco advertisements.

Tobacco product placement laws have been enacted in many jurisdictions. Seven Maryland jurisdictions have such laws – Montgomery, Talbot, Howard, Prince George’s, Kent, and Wicomico counties and Baltimore City – and none of these jurisdictions has experienced a noticeable decline in licensed retailers as a result of product placement restrictions. Instead, vendor compliance has been readily achieved and vendor citations are rare.

**Local Revenues:** Carroll County revenues could increase minimally under the bill’s monetary penalty provision.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Carroll County; Center for Tobacco Regulation, Litigation, and Advocacy – University of Maryland School of Law; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2004  
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