

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 791
Judicial Proceedings

(Carroll County Senators and Garrett County Senators)

Health and Government Operations

Carroll County and Garrett County - Display of Tobacco Products

This bill prohibits owners or operators of Carroll and Garrett county businesses that sell tobacco products at retail, with specified exceptions, from storing or displaying a tobacco product unless it is not immediately accessible to customers 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 fine for the first violation and \$300 for each subsequent violation. County health officers or their designees may issue civil citations to persons who violate the provisions of the bill. The bill directs all fine revenue to Carroll and Garrett counties. The bill provides for the prosecution of offenses and grants exclusive original jurisdiction to the District Court.

Fiscal Summary

State Effect: None. The bill directs all fine revenue to Carroll and Garrett counties.

Local Effect: Potential minimal increase in revenues due to the bill's penalty provisions. No effect on expenditures as enforcement could be handled simultaneously with existing enforcement of youth tobacco sales laws.

Small Business Effect: Minimal.

Analysis

Current Law: In Carroll and Garrett counties, there are no restrictions as to where tobacco retailers may store or 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: The bill directs all fine revenue to Carroll and Garrett counties. As a result, revenues could increase minimally under the bill’s monetary penalty provision for those cases heard in the District Court.

Additional Information

Prior Introductions: A substantially similar bill was introduced as HB 850 in the 2004 session. No action was taken by the House Health and Government Operations Committee.

Cross File: None.

Information Source(s): Garrett County, Judiciary (Administrative Office of the Courts), Comptroller’s Office, Carroll County, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2005
n/hlb

Analysis by: Michael Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510