

SENATE BILL 1017

E1

EMERGENCY BILL

71r3373

By: **Senators Muse and Miller**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 7, 2007

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 12, 2007

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2007

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Tobacco Paraphernalia – Distribution to ~~and Possession by~~ Minors**

3 FOR the purpose of prohibiting the distribution of tobacco paraphernalia to a minor;
4 ~~prohibiting a minor from distributing, possessing, or purchasing tobacco~~
5 ~~paraphernalia unless the minor is acting as an agent of the minor's employer~~
6 ~~within the scope of employment; prohibiting a minor from using false~~
7 ~~identification to obtain or attempt to obtain tobacco paraphernalia;~~ defining a
8 certain term; making this Act an emergency measure; and generally relating to
9 prohibiting persons from distributing tobacco paraphernalia to minors ~~and~~
10 ~~minors from possessing tobacco paraphernalia.~~

11 BY repealing and reenacting, with amendments,

12 Article – Criminal Law

13 Section ~~10-101, 10-101 and 10-107(b) and (c), and 10-108(b) and (c)~~

14 Annotated Code of Maryland

15 (2002 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Criminal Law**

4 10–101.

5 (a) In this part the following words have the meanings indicated.

6 (b) “Distribute” means to:

7 (1) give, sell, deliver, dispense, issue, or offer to give, sell, deliver,
8 dispense, or issue; or

9 (2) cause or hire a person to give, sell, deliver, dispense, issue or offer
10 to give, sell, deliver, dispense, or issue.

11 (c) (1) **“TOBACCO PARAPHERNALIA” MEANS ANY OBJECT USED,**
12 **INTENDED FOR USE, OR DESIGNED FOR USE IN INHALING OR OTHERWISE**
13 **INTRODUCING TOBACCO PRODUCTS INTO THE HUMAN BODY.**

14 (2) **“TOBACCO PARAPHERNALIA” INCLUDES:**

15 (I) **A CIGARETTE ROLLING PAPER;**

16 (II) **A METAL, WOODEN, ACRYLIC, GLASS, STONE, PLASTIC,**
17 **OR CERAMIC PIPE WITH OR WITHOUT SCREEN, PERMANENT SCREEN, OR**
18 **PUNCTURED METAL BOWL;**

19 (III) **A WATER PIPE;**

20 (IV) **A CARBURETION TUBE OR DEVICE;**

21 (V) **A SMOKING OR CARBURETION MASK;**

22 (VI) **AN OBJECT KNOWN AS A ROACH CLIP USED TO HOLD**
23 **BURNING MATERIAL, SUCH AS A CIGARETTE THAT HAS BECOME TOO SMALL OR**
24 **TOO SHORT TO BE HELD IN THE HAND;**

25 (VII) **A CHAMBER PIPE;**

- 1 (VIII) A CARBURETOR PIPE;
- 2 (IX) AN ELECTRIC PIPE;
- 3 (X) AN AIR-DRIVEN PIPE;
- 4 (XI) A CHILLUM;
- 5 (XII) A BONG; AND
- 6 (XIII) AN ICE PIPE OR CHILLER.

7 (D) (1) “Tobacco product” means a substance containing tobacco.

8 (2) “Tobacco product” includes cigarettes, cigars, smoking tobacco,
9 snuff, smokeless tobacco, and candy-like products that contain tobacco.

10 [(d)] (E) “Venereal disease” includes gonorrhea, syphilis, chancroid, and any
11 diseased condition of the human genitalia caused by, related to, or resulting from a
12 venereal disease.

13 10–107.

14 (b) (1) This subsection does not apply to the distribution of a tobacco
15 product **OR TOBACCO PARAPHERNALIA** to a minor who is acting solely as the agent
16 of the minor’s employer if the employer distributes tobacco products **OR TOBACCO**
17 **PARAPHERNALIA** for commercial purposes.

18 (2) A person who distributes tobacco products for commercial
19 purposes, including a person licensed under Title 16 of the Business Regulation
20 Article, may not distribute to a minor:

- 21 (i) a tobacco product;
- 22 (ii) [a cigarette rolling paper] **TOBACCO PARAPHERNALIA**; or
- 23 (iii) a coupon redeemable for a tobacco product.

24 (c) A person not described in subsection (b)(2) of this section may not:

- 25 (1) purchase for or sell a tobacco product to a minor; or

1 (2) distribute [a cigarette rolling paper] **TOBACCO PARAPHERNALIA**
2 to a minor.

3 ~~10-108.~~

4 (b) ~~This section does not apply to the possession of a tobacco product or~~
5 ~~[cigarette rolling paper] **TOBACCO PARAPHERNALIA** by a minor who is acting as the~~
6 ~~agent of the minor's employer within the scope of employment.~~

7 (c) ~~A minor may not:~~

8 (1) ~~use or possess a tobacco product or [cigarette rolling paper]~~
9 ~~**TOBACCO PARAPHERNALIA;**~~ or

10 (2) ~~obtain or attempt to obtain a tobacco product or [cigarette rolling~~
11 ~~paper] **TOBACCO PARAPHERNALIA** by using a form of identification that:~~

12 (i) ~~is falsified; or~~

13 (ii) ~~identifies an individual other than the minor.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
15 measure, is necessary for the immediate preservation of the public health or safety,
16 has been passed by a ye and nay vote supported by three-fifths of all the members
17 elected to each of the two Houses of the General Assembly and shall take effect from
18 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.