

HOUSE BILL 148

L2

8lr1619

By: **Delegate Beitzel**

Introduced and read first time: January 18, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Tobacco Products – Distribution to Minors**

3 FOR the purpose of prohibiting a person from distributing certain tobacco-containing
4 and tobacco-related products to a minor in Garrett County; establishing a
5 certain civil infraction and certain civil penalty; and generally relating to the
6 distribution of tobacco products to minors in Garrett County.

7 BY repealing and reenacting, with amendments,
8 Article 24 – Political Subdivisions – Miscellaneous Provisions
9 Section 15–102.1
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2007 Supplement)

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

14 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

15 15–102.1.

16 (a) In this section, “distribute” means to:

17 (1) Give, sell, deliver, dispense, or issue;

18 (2) Offer to give, sell, deliver, dispense, or issue; or

19 (3) Cause or hire any person to give, sell, deliver, dispense, or issue or
20 offer to give, sell, deliver, dispense, or issue.

21 (b) This section applies only in **GARRETT COUNTY AND** St. Mary’s County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) A person may not:

2 (1) Distribute any tobacco product to a minor, unless the minor is
3 acting solely as the agent of the minor's employer who is engaged in the business of
4 distributing tobacco products;

5 (2) Distribute cigarette rolling papers to a minor; or

6 (3) Subject to subsection (d) of this section, distribute to a minor a
7 coupon redeemable for a tobacco product.

8 (d) Subsection (c)(3) of this section does not apply to the distribution of a
9 coupon that is redeemable for a tobacco product if the coupon:

10 (1) Is contained in a newspaper, magazine, or other type of publication
11 and the coupon is incidental to the primary purpose of the publication; or

12 (2) Is sent through the mail.

13 (e) A person has not violated this section if:

14 (1) The person examined the driver's license or other valid
15 government-issued identification presented by the recipient of a tobacco product,
16 cigarette rolling paper, or coupon redeemable for a tobacco product; and

17 (2) The license or other identification positively identified the recipient
18 as being at least 18 years old.

19 (f) (1) **[A] IN ST. MARY'S COUNTY, A** person who violates this section is
20 committing a civil infraction and is subject to a civil penalty of:

21 [(1)] (I) \$300 for the first violation; and

22 [(2)] (II) \$500 for any subsequent violation within a 24-month period
23 from the previous citation.

24 (2) **IN GARRETT COUNTY, A PERSON WHO VIOLATES THIS**
25 **SECTION IS COMMITTING A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL**
26 **PENALTY NOT EXCEEDING \$300.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2008.