

CHAPTER 254

(House Bill 148)

AN ACT concerning

Garrett County – Tobacco Products – Distribution to Minors

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

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

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

15–102.1.

- (a) In this section, “distribute” means to:
 - (1) Give, sell, deliver, dispense, or issue;
 - (2) Offer to give, sell, deliver, dispense, or issue; or
 - (3) Cause or hire any person to give, sell, deliver, dispense, or issue or offer to give, sell, deliver, dispense, or issue.
- (b) This section applies only in **GARRETT COUNTY AND** St. Mary’s County.
- (c) A person may not:
 - (1) Distribute any tobacco product to a minor, unless the minor is acting solely as the agent of the minor’s employer who is engaged in the business of distributing tobacco products;
 - (2) Distribute cigarette rolling papers to a minor; or

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

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

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

(2) Is sent through the mail.

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

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

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

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

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

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

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

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

Approved by the Governor, April 24, 2008.