

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 822

(Carroll County Senators)

Judicial Proceedings

Judiciary

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**Carroll County - Distribution of Tobacco Products to Minors - Prohibition and Penalties**

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This bill prohibits the “distribution” of any tobacco products, cigarette rolling papers, and tobacco-related coupons to minors in Carroll County. A violator of this civil infraction is subject to a civil penalty of \$300 for the first violation and \$500 for any subsequent violation within a 24-month period from the previous citation. A violation has not occurred if the person examined specified identification and that identification identifies the recipient as being at least 18 years old.

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**Fiscal Summary**

**State Effect:** Minimal. This bill effectively reduces a criminal law penalty in Carroll County to a civil infraction. General fund revenues would likely decrease, depending on the extent to which civil citations are paid to the county rather than contested in District Court. No effect on expenditures.

**Local Effect:** Minimal. Any civil fines from citations would accrue to Carroll County, which estimates the impact should be minimal. Current tobacco control enforcement efforts in the county would continue.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 604 of 2007 prohibited the “distribution” of any tobacco products, cigarette rolling papers, and tobacco-related coupons to minors in St. Mary’s County. A violator of this civil infraction is subject to a civil penalty of \$300 for a first

violation and \$500 for any subsequent violation within a 24-month period from the previous violation.

### *Statewide Provisions*

A person licensed in the State to distribute cigarettes or other tobacco products may not distribute to a minor a tobacco product, a cigarette rolling paper, or a coupon redeemable for a tobacco product. Distribution includes selling, giving, or offering to sell. A person other than a commercial distributor may not purchase for or sell a tobacco product to a minor or distribute cigarette rolling papers to a minor.

These prohibitions do not apply to the distribution of a tobacco product to a minor who is acting solely as the agent of the minor's employer if the employer distributes tobacco products for commercial purposes.

A violator is guilty of a misdemeanor and subject to the following penalties:

- \$300 for a first offense;
- \$1,000 for a second offense occurring within two years after the first offense; and
- \$3,000 for each subsequent violation occurring within two years after the preceding offense.

In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by an employer, government unit, or institution of higher education that positively identified the purchaser or recipient as at least 18 years of age. Additionally, it is a civil offense for a minor to be in possession of a tobacco product or use a false ID to obtain one.

### *Specific Provisions in Carroll and Garrett Counties*

Carroll and Garrett counties have specified tobacco product storage and display prohibitions for a person who owns or operates a business that engages in the retail sale of a tobacco product. A violator is subject to civil penalties.

**Background:** Money from the Cigarette Restitution Fund currently appropriated to the Carroll County health department for enforcement of tobacco control laws in the county must be used for these purposes. The county sheriff's office uses these funds to perform compliance checks on tobacco retailers.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Carroll County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2008  
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