

# HOUSE BILL 995

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By: **Delegates Conaway, Dwyer, and Rosenberg**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Distribution of Tobacco Product or Paraphernalia to Minor -**  
3 **Penalties**

4 FOR the purpose of increasing the penalties for certain violations relating to the  
5 distribution of a tobacco product or of tobacco paraphernalia to a minor; and  
6 generally relating to the distribution of tobacco products or paraphernalia to a  
7 minor.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Law  
10 Section 10-107  
11 Annotated Code of Maryland  
12 (2002 Volume and 2008 Supplement)

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

15 **Article - Criminal Law**

16 10-107.

17 (a) This section does not apply to the distribution of a coupon that is  
18 redeemable for a tobacco product, if the coupon is:

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

21 (2) sent through the mail.

22 (b) (1) This subsection does not apply to the distribution of a tobacco  
23 product or tobacco paraphernalia to a minor who is acting solely as the agent of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 minor's employer if the employer distributes tobacco products or tobacco  
2 paraphernalia for commercial purposes.

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

6 (i) a tobacco product;

7 (ii) tobacco paraphernalia; or

8 (iii) a coupon redeemable for a tobacco product.

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

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

11 (2) distribute tobacco paraphernalia to a minor.

12 (d) In a prosecution for a violation of this section, it is a defense that the  
13 defendant examined the purchaser's or recipient's driver's license or other valid  
14 identification issued by an employer, government unit, or institution of higher  
15 education that positively identified the purchaser or recipient as at least 18 years of  
16 age.

17 (e) A person who violates this section is guilty of a misdemeanor and on  
18 conviction is subject to a fine not exceeding:

19 (1) [~~\$300~~] **\$700** for a first violation;

20 (2) [~~\$1,000~~] **\$2,000** for a second violation occurring within 2 years  
21 after the first violation; and

22 (3) [~~\$3,000~~] **\$5,000** for each subsequent violation occurring within 2  
23 years after the preceding violation.

24 (f) For purposes of this section, each separate incident at a different time  
25 and occasion is a violation.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2009.