

SENATE BILL 80

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(PRE-FILED)

By: **Chair, Finance Committee (By Request - Departmental - Health and Mental Hygiene)**

Requested: October 22, 2008

Introduced and read first time: January 14, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Distribution of Tobacco-Related Products to Minors - Enforcement**

3 FOR the purpose of prohibiting the distribution of certain tobacco products, cigarette
4 rolling papers, and tobacco-related coupons to minors; requiring photo
5 identification checks in connection with the distribution of certain
6 tobacco-related products to minors; establishing certain civil penalties;
7 repealing a county-specific provision concerning civil enforcement of youth
8 tobacco violations applicable to Carroll County, Garrett County, and St. Mary's
9 County; and generally relating to the illegal distribution of tobacco and
10 tobacco-related products to minors in Maryland.

11 BY repealing

12 Article 24 - Political Subdivisions - Miscellaneous Provisions
13 Section 15-102.1
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2008 Supplement)

16 BY adding to

17 Article - Health - General
18 Section 24-1701 through 24-1706 to be under the new subtitle "Subtitle 17.
19 Distribution of Tobacco-Related Products to Minors"
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That Section(s) 15-102.1 of Article 24 - Political Subdivisions
24 - Miscellaneous Provisions of the Annotated Code of Maryland be repealed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Health - General**

4 **SUBTITLE 17. DISTRIBUTION OF TOBACCO-RELATED PRODUCTS TO MINORS.**

5 **24-1701.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "DISTRIBUTE" MEANS TO:

9 (1) GIVE, SELL, DELIVER, DISPENSE, OR ISSUE;

10 (2) OFFER TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE; OR

11 (3) CAUSE OR HIRE ANY INDIVIDUAL TO GIVE, SELL, DELIVER,
12 DISPENSE, OR ISSUE OR OFFER TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE.

13 (C) "TOBACCO PRODUCT" MEANS A SUBSTANCE CONTAINING TOBACCO,
14 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, SMOKELESS
15 TOBACCO, AND CANDY-LIKE PRODUCTS THAT CONTAIN TOBACCO.

16 **24-1702.**

17 THIS SUBTITLE DOES NOT APPLY TO THE DISTRIBUTION TO A MINOR OF:

18 (1) A TOBACCO PRODUCT OR CIGARETTE ROLLING PAPERS IF
19 THE MINOR IS ACTING AS THE AGENT OF THE MINOR'S EMPLOYER IF THE
20 EMPLOYER DISTRIBUTES TOBACCO PRODUCTS OR CIGARETTE ROLLING PAPERS
21 FOR COMMERCIAL PURPOSES; OR

22 (2) A COUPON THAT IS REDEEMABLE FOR A TOBACCO PRODUCT
23 IF THE COUPON:

24 (I) IS CONTAINED IN A NEWSPAPER, MAGAZINE, OR OTHER
25 TYPE OF PUBLICATION, AND THE COUPON IS INCIDENTAL TO THE PRIMARY
26 PURPOSE OF THE PUBLICATION; OR

27 (II) IS SENT THROUGH THE MAIL.

28 **24-1703.**

1 **SUBJECT TO § 24-1704 OF THIS SUBTITLE, A PERSON MAY NOT**
 2 **DISTRIBUTE TO A MINOR:**

- 3 (1) **A TOBACCO PRODUCT;**
- 4 (2) **CIGARETTE ROLLING PAPERS; OR**
- 5 (3) **A COUPON REDEEMABLE FOR A TOBACCO PRODUCT.**

6 **24-1704.**

7 **(A) THIS SECTION DOES NOT APPLY IF THE PURCHASER OR RECIPIENT**
 8 **REASONABLY APPEARS TO BE MORE THAN 30 YEARS OF AGE.**

9 **(B) A PERSON MAY NOT DISTRIBUTE A TOBACCO PRODUCT, CIGARETTE**
 10 **ROLLING PAPERS, OR A COUPON REDEEMABLE FOR A TOBACCO PRODUCT**
 11 **UNLESS THE PERSON FIRST EXAMINES THE DRIVER'S LICENSE OR OTHER VALID**
 12 **IDENTIFICATION ISSUED BY AN EMPLOYER, GOVERNMENT UNIT, OR**
 13 **INSTITUTION OF HIGHER EDUCATION OF THE PROSPECTIVE PURCHASER OR**
 14 **RECIPIENT AND DETERMINES THAT:**

15 **(1) THE IDENTIFICATION POSITIVELY IDENTIFIES THE**
 16 **PROSPECTIVE PURCHASER OR RECIPIENT AS BEING AT LEAST 18 YEARS OF AGE;**
 17 **AND**

18 **(2) THE PHOTOGRAPH IN THE IDENTIFICATION REASONABLY**
 19 **APPEARS TO BE THAT OF THE PROSPECTIVE PURCHASER OR RECIPIENT.**

20 **24-1705.**

21 **A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE COMMITS A**
 22 **CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY OF:**

- 23 (1) **\$300 FOR THE FIRST VIOLATION; AND**
- 24 (2) **\$500 FOR ANY SUBSEQUENT VIOLATION WITHIN A 24-MONTH**
 25 **PERIOD FROM THE PREVIOUS CITATION.**

26 **24-1706.**

27 **(A) A COUNTY HEALTH OFFICER OR A DESIGNEE OF A COUNTY HEALTH**
 28 **OFFICER MAY ISSUE A CIVIL CITATION TO A PERSON WHO VIOLATES ANY**

1 PROVISION OF THIS SUBTITLE IN THE SAME MANNER DESCRIBED UNDER
2 ARTICLE 24, § 15-103 OF THE CODE.

3 (B) JUDICIAL PROCEEDINGS FOR VIOLATIONS OF THIS SUBTITLE ARE
4 GOVERNED BY ARTICLE 24, § 15-104 OF THE CODE.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.