

SENATE BILL 80

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9lr0008

(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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 5, 2009

CHAPTER _____

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; providing that this Act does not preempt any county or municipal law
10 that regulates tobacco products; and generally relating to the illegal distribution
11 of tobacco and tobacco-related products to minors in Maryland.

12 BY repealing

13 Article 24 - Political Subdivisions - Miscellaneous Provisions

14 Section 15-102.1

15 Annotated Code of Maryland

16 (2005 Replacement Volume and 2008 Supplement)

17 BY adding to

18 Article - Health - General

19 Section 24-1701 through ~~24-1706~~ 24-1705 to be under the new subtitle

20 "Subtitle 17. Distribution of Tobacco-Related Products to Minors"

21 Annotated Code of Maryland

22 (2005 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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3 – Miscellaneous Provisions of the Annotated Code of Maryland be repealed.

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

6 **Article – Health – General**

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

8 **24-1701.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) “DISTRIBUTE” MEANS TO:

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

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

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

16 (C) “TOBACCO PRODUCT” MEANS A SUBSTANCE CONTAINING TOBACCO,
17 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, SMOKELESS
18 TOBACCO, AND CANDY-LIKE PRODUCTS THAT CONTAIN TOBACCO.

19 **24-1702.**

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

21 (1) A TOBACCO PRODUCT OR CIGARETTE ROLLING PAPERS IF
22 THE MINOR IS ACTING AS THE AGENT OF THE MINOR’S EMPLOYER IF THE
23 EMPLOYER DISTRIBUTES TOBACCO PRODUCTS OR CIGARETTE ROLLING PAPERS
24 FOR COMMERCIAL PURPOSES; OR

25 (2) A COUPON THAT IS REDEEMABLE FOR A TOBACCO PRODUCT
26 IF THE COUPON:

27 (I) IS CONTAINED IN A NEWSPAPER, MAGAZINE, OR OTHER
28 TYPE OF PUBLICATION, AND THE COUPON IS INCIDENTAL TO THE PRIMARY
29 PURPOSE OF THE PUBLICATION; OR

1 (II) IS SENT THROUGH THE MAIL.

2 **24-1703.**

3 SUBJECT TO § 24-1704 OF THIS SUBTITLE, A PERSON MAY NOT
4 DISTRIBUTE TO A MINOR:

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

8 ~~24-1704.~~

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

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

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

20 ~~(2) THE PHOTOGRAPH IN THE IDENTIFICATION REASONABLY~~
21 ~~APPEARS TO BE THAT OF THE PROSPECTIVE PURCHASER OR RECIPIENT.~~

22 ~~24-1705 24-1704.~~

23 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE COMMITS A
24 CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY OF:

- 25 (1) \$300 FOR THE FIRST VIOLATION; AND
- 26 (2) \$500 FOR ANY SUBSEQUENT VIOLATION WITHIN A 24-MONTH
27 PERIOD FROM THE PREVIOUS CITATION.

28 ~~24-1706 24-1705.~~

1 (A) A COUNTY HEALTH OFFICER OR A DESIGNEE OF A COUNTY HEALTH
2 OFFICER MAY ISSUE A CIVIL CITATION TO A PERSON WHO VIOLATES ANY
3 PROVISION OF THIS SUBTITLE IN THE SAME MANNER DESCRIBED UNDER
4 ARTICLE 24, § 15-103 OF THE CODE.

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not
8 preempt any county or municipal law that regulates tobacco products.

9 SECTION 3 AND 4. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.