

HOUSE BILL 1124

C2, L2

1lr1649

By: **Delegates Conaway, Alston, Dumais, George, Glenn, Mitchell, Oaks, B. Robinson, Stukes, Summers, Tarrant, and Washington**
Introduced and read first time: February 11, 2011
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Prohibition Against Sales of Tobacco Products to Minors –**
3 **Signs**

4 FOR the purpose of requiring certain licensed retailers in Baltimore City to post a
5 certain sign in a conspicuous location that states a certain prohibition against
6 the sale of tobacco products to persons under a certain age; requiring the
7 Comptroller to adopt guidelines for the design of the sign; establishing certain
8 penalties; and generally relating to signs stating a prohibition against the sale
9 of tobacco products to persons under a certain age in Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article – Business Regulation
12 Section 16–201(d) and (k) and 16–205
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2010 Supplement)

15 BY adding to
16 Article – Business Regulation
17 Section 16–224
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2010 Supplement)

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

22 **Article – Business Regulation**

23 16–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (d) "Licensed retailer" means a person licensed by the clerk under §
2 16-205(b) of this subtitle to act as a retailer.

3 (k) "Retailer" means a person who:

4 (1) sells cigarettes to consumers through vending machines on fewer
5 than 40 premises;

6 (2) otherwise sells cigarettes to consumers; or

7 (3) holds cigarettes for sale to consumers.

8 16-205.

9 (a) The Comptroller shall issue an appropriate license to each applicant who
10 meets the requirements of this subtitle for a license to act as a manufacturer, storage
11 warehouse, subwholesaler, vending machine operator, or wholesaler.

12 (b) The clerk shall issue to each applicant who meets the requirements of
13 this subtitle a license to act as a retailer.

14 **16-224.**

15 **(A) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

16 **(B) A LICENSED RETAILER UNDER THIS SUBTITLE SHALL POST A SIGN**
17 **IN A CONSPICUOUS LOCATION THAT STATES "IT IS ILLEGAL UNDER MARYLAND**
18 **LAW TO SELL TOBACCO PRODUCTS TO A PERSON UNDER THE AGE OF 18".**

19 **(C) THE COMPTROLLER SHALL ADOPT GUIDELINES FOR THE DESIGN**
20 **OF A SIGN REQUIRED UNDER THIS SECTION.**

21 **(D) A PERSON WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO:**

22 **(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$300;**

23 **(2) FOR A SECOND OR SUBSEQUENT VIOLATION OCCURRING**
24 **WITHIN A 2-YEAR PERIOD OF THE FIRST VIOLATION, A FINE NOT EXCEEDING**
25 **\$1,000; AND**

26 **(3) DISCIPLINE BY THE COMPTROLLER UNDER § 16-210 OF THIS**
27 **SUBTITLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.