

## Chapter 22

(Senate Bill 82)

AN ACT concerning

### Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

FOR the purpose of prohibiting certain persons from purchasing, selling, reselling, distributing, dispensing, or giving away to any person in the State certain unpackaged cigarettes; establishing certain penalties for a violation of certain provisions of this Act; providing for the application of certain provisions of this Act; defining a certain term; and generally relating to the regulation of unpackaged cigarettes.

BY repealing and reenacting, with amendments,  
Article – Commercial Law  
Section 11–5A–01 and 11–5A–02 to be under the amended subtitle “Subtitle 5A.  
Sales of Unpackaged Cigarettes”  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – Commercial Law  
Section 11–5A–03  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

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

#### Article – Commercial Law

Subtitle 5A. [Cigarette] Sales of [Less Than 20 Per Package] **UNPACKAGED CIGARETTES.**

11–5A–01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Retailer” has the meaning stated in § 11–501(i) of this title.
- (c) “Sell” has the meaning stated in § 11–501(j) of this title.

**(D) “UNPACKAGED CIGARETTE” MEANS ANY CIGARETTE NOT CONTAINED IN A SEALED PACKAGE OF 20 OR MORE CIGARETTES.**

**[(d)] (E)** “Vending machine operator” has the meaning stated in § 11–501(k) of this title.

**[(e)] (F)** “Wholesaler” has the meaning stated in § 11–501(m) of this title.

11–5A–02.

**(A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO PRODUCES UNPACKED CIGARETTES FOR THE INDIVIDUAL’S CONSUMPTION BY USING:**

**(1) A MECHANICAL ROLLING MACHINE; OR**

**(2) A HAND ROLLING DEVICE OR PROCEDURE.**

~~(a)~~ **(B)** Notwithstanding any other provision of law, a retailer or vending machine operator may not purchase from a tobacco product manufacturer or sell, resell, distribute, dispense, or give away to any person [a package of cigarettes containing less than 20 cigarettes] **AN UNPACKAGED CIGARETTE.**

~~(b)~~ **(C)** Notwithstanding any other provision of law, a wholesaler may not sell, resell, distribute, dispense, or give away to any person in this State [a package of cigarettes containing less than 20 cigarettes] **AN UNPACKAGED CIGARETTE.**

~~(c)~~ **(D)** **IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 3 MONTHS OR BOTH.**

11–5A–03.

(a) The State Comptroller shall enforce this subtitle.

(b) The State Comptroller shall:

(1) Employ and determine the duties and compensation of the inspectors and other personnel necessary to enforce this subtitle; and

(2) Adopt reasonable regulations necessary to effectuate and enforce the provisions of this subtitle.

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

**Approved by the Governor, April 12, 2011.**