

SENATE BILL 310

C2

9lr1952

By: **Senators Hayes, Carter, Ferguson, McCray, and Washington**

Introduced and read first time: January 30, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Unpackaged Cigarettes – Prohibition on Sale**

3 FOR the purpose of prohibiting a certain person from selling an unpackaged cigarette;
4 authorizing an enforcement officer of the Tobacco Use Prevention and Cessation
5 Program in the Baltimore City Health Department to enforce this Act in a certain
6 manner; requiring an enforcement officer to report a violation of this Act to a State's
7 Attorney; providing that issuance of a citation for violation of a certain provision of
8 law precludes prosecution under this Act for a violation arising out of the same
9 incident; providing for the application of this Act; defining a certain term; and
10 generally relating to the sale of unpackaged cigarettes in Baltimore City.

11 BY adding to

12 Article – Business Regulation

13 Section 16–308.2

14 Annotated Code of Maryland

15 (2015 Replacement Volume and 2018 Supplement)

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

18 **Article – Business Regulation**

19 **16–308.2.**

20 (A) IN THIS SECTION, “UNPACKAGED CIGARETTE” MEANS ANY CIGARETTE
21 NOT CONTAINED IN A SEALED PACKAGE OF 20 OR MORE CIGARETTES THAT ARE
22 DESIGNED AND INTENDED TO BE SOLD AS A UNIT.

23 (B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) A PERSON WHO HOLDS A COUNTY LICENSE MAY NOT SELL AN**
2 **UNPACKAGED CIGARETTE.**

3 **(D) (1) AN ENFORCEMENT OFFICER OF THE TOBACCO USE PREVENTION**
4 **AND CESSATION PROGRAM IN THE BALTIMORE CITY HEALTH DEPARTMENT MAY**
5 **ENFORCE THIS SECTION BY ENTERING AND INSPECTING, AT A REASONABLE TIME,**
6 **THE PREMISES OF A COUNTY LICENSE HOLDER.**

7 **(2) AN ENFORCEMENT OFFICER SHALL REPORT A VIOLATION OF THIS**
8 **SECTION TO A STATE'S ATTORNEY.**

9 **(E) ISSUANCE OF A CITATION BY THE COMPTROLLER FOR A VIOLATION OF**
10 **§ 16–215 OF THIS TITLE PRECLUDES A PROSECUTION FOR A VIOLATION UNDER THIS**
11 **SECTION ARISING OUT OF THE SAME INCIDENT.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2019.