

SENATE BILL 508

E1

0lr3061

By: **Senator Bailey**

Introduced and read first time: January 29, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Possession of Tobacco Product or Electronic Smoking**
3 **Device by an Individual Under the Age of 21 Years – Prohibition**

4 FOR the purpose of prohibiting the possession of a tobacco product or electronic smoking
5 device by an individual under the age of 21 years in St. Mary's County, subject to
6 certain exceptions; establishing that a violation of this Act is a civil offense;
7 establishing that certain procedures apply to a minor who violates this Act; providing
8 for the application of this Act; defining a certain term; and generally relating to
9 tobacco products.

10 BY repealing and reenacting, without amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–8A–01(a) and (dd)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2019 Supplement)

15 BY adding to
16 Article – Criminal Law
17 Section 10–108
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2019 Supplement)

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

22 **Article – Courts and Judicial Proceedings**

23 3–8A–01.

24 (a) In this subtitle the following words have the meanings indicated, unless the
25 context of their use indicates otherwise.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(dd) “Violation” means a violation for which a citation is issued under:

(1) § 5–601 of the Criminal Law Article involving the use or possession of less than 10 grams of marijuana;

(2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(3) § 10–108 of the Criminal Law Article;

(4) § 10–132 of the Criminal Law Article;

(5) § 10–136 of the Criminal Law Article; or

(6) § 26–103 of the Education Article.

Article – Criminal Law

10-108.

(A) IN THIS SECTION, “VIOLATION” HAS THE MEANING STATED IN § 3–8A–01 OF THE COURTS ARTICLE.

(B) (1) THIS SECTION APPLIES ONLY IN ST. MARY’S COUNTY.

(2) THIS SECTION DOES NOT APPLY TO THE POSSESSION OF A TOBACCO PRODUCT OR AN ELECTRONIC SMOKING DEVICE BY:

(I) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO IS ACTING AS THE AGENT OF THE INDIVIDUAL’S EMPLOYER WITHIN THE SCOPE OF EMPLOYMENT; OR

(II) AN INDIVIDUAL WHO:

1. IS AT LEAST 18 YEARS OF AGE;

2. IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND

3. PRESENTS A VALID MILITARY IDENTIFICATION.

(C) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT POSSESS A TOBACCO PRODUCT OR AN ELECTRONIC SMOKING DEVICE.

(D) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

1 **(2) A MINOR WHO VIOLATES THIS SECTION IS SUBJECT TO THE**
2 **PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE**
3 **COURTS ARTICLE.**

4 **(E) A LAW ENFORCEMENT OFFICER AUTHORIZED TO MAKE ARRESTS SHALL**
5 **ISSUE A CITATION TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IF THE LAW**
6 **ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL**
7 **IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2020.