

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 239 (Senator Bailey)  
Education, Health, and Environmental Affairs

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**St. Mary's County - Public and Nonpublic Schools - Prohibition on Possession of Tobacco Products by Minors**

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This bill prohibits a minor from possessing a tobacco product at any time inside a school building or on school grounds in St. Mary's County. For a first offense, a violator must attend a tobacco cessation program; for a second and third or subsequent offenses, a violator is subject to maximum civil penalties of \$50 and \$100, respectively. **The bill takes effect July 1, 2021.**

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill is not expected to materially affect St. Mary's County finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** "Minor" means an individual younger than age 18. "School building" means a building owned or leased by the St. Mary's County public school system, a charter school, or a nonpublic school; "school grounds" means land that surrounds a school building. "Tobacco product" means any product derived from the tobacco plant that is smoked, chewed, sniffed, or otherwise consumed; it does not include a nicotine replacement product or a tobacco product used for demonstration purposes in antismoking or drug education classes.

**Current Law:** Chapter 396 of 2019 made several changes to State law governing the sale of tobacco products. Among other things, the Act redefined tobacco product as it applies to provisions of the Business Regulation, Criminal Law, Health-General, and Local Government articles to include electronic smoking devices, previously termed electronic nicotine delivery systems (ENDS), and generally raised the minimum age for the sale or purchase of tobacco products from 18 to 21, with specified exceptions for active-duty military members. After Chapter 396 took effect in October 2019, federal legislation enacted in December 2019 raised the federal minimum age for sale of tobacco products from 18 to 21 without exception.

Chapter 396 also repealed a provision of the Criminal Law Article under which it was a civil offense for a minor to use or possess a tobacco product, cigarette rolling paper, or an ENDS or to use a false form of identification to obtain a tobacco product, cigarette rolling paper, or an ENDS. Prior to Chapter 396, a child who received a citation for a violation was subject to the jurisdiction of the juvenile court as provided under § 3-8A-03 of the Courts and Judicial Proceedings Article.

A person who unlawfully distributes tobacco products to an underage individual is subject to various civil and criminal penalties under State law.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 526 (St. Mary's County Delegation) - Ways and Means and Economic Matters.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland Department of Health; St. Mary's County Public Schools; Maryland Association of County Health Officers; U.S. Food and Drug Administration; Department of Legislative Services

**Fiscal Note History:** First Reader - January 18, 2021  
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