

SENATE BILL 140

E2

5lr0957
CF 5lr1597

By: **Senator Hershey**

Introduced and read first time: January 29, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County – Tobacco Products Offenses – Citations Issued by Alcoholic**
3 **Beverages Inspectors**

4 FOR the purpose of authorizing an alcoholic beverages inspector for Kent County to issue
5 a citation if the inspector has probable cause to believe that certain offenses involving
6 the distribution of tobacco products or paraphernalia or the possession of tobacco
7 products are being committed or have been committed; and generally relating to
8 tobacco products offenses in Kent County.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 10–107 and 10–108
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2014 Supplement)

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

16 **Article – Criminal Law**

17 10–107.

18 (a) This section does not apply to the distribution of a coupon that is redeemable
19 for a tobacco product, if the coupon is:

20 (1) contained in a newspaper, magazine, or other type of publication in
21 which the coupon is incidental to the primary purpose of the publication; or

22 (2) sent through the mail.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) This subsection does not apply to the distribution of a tobacco product
2 or tobacco paraphernalia to a minor who is acting solely as the agent of the minor's
3 employer if the employer distributes tobacco products or tobacco paraphernalia for
4 commercial purposes.

5 (2) A person who distributes tobacco products for commercial purposes,
6 including a person licensed under Title 16 of the Business Regulation Article, may not
7 distribute to a minor:

8 (i) a tobacco product;

9 (ii) tobacco paraphernalia; or

10 (iii) a coupon redeemable for a tobacco product.

11 (c) A person not described in subsection (b)(2) of this section may not:

12 (1) purchase for or sell a tobacco product to a minor; or

13 (2) distribute tobacco paraphernalia to a minor.

14 (d) In a prosecution for a violation of this section, it is a defense that the defendant
15 examined the purchaser's or recipient's driver's license or other valid identification issued
16 by an employer, government unit, or institution of higher education that positively
17 identified the purchaser or recipient as at least 18 years of age.

18 (e) A person who violates this section is guilty of a misdemeanor and on conviction
19 is subject to a fine not exceeding:

20 (1) \$300 for a first violation;

21 (2) \$1,000 for a second violation occurring within 2 years after the first
22 violation; and

23 (3) \$3,000 for each subsequent violation occurring within 2 years after the
24 preceding violation.

25 (f) For purposes of this section, each separate incident at a different time and
26 occasion is a violation.

27 **(G) AN ALCOHOLIC BEVERAGES INSPECTOR FOR KENT COUNTY MAY ISSUE**
28 **A CITATION TO A PERSON IF THE ALCOHOLIC BEVERAGES INSPECTOR HAS**
29 **PROBABLE CAUSE TO BELIEVE THAT THE PERSON IS COMMITTING OR HAS**
30 **COMMITTED A VIOLATION OF THIS SECTION.**

1 (a) In this section, “violation” has the meaning stated in § 3–8A–01 of the Courts
2 Article.

3 (b) This section does not apply to the possession of a tobacco product or cigarette
4 rolling paper by a minor who is acting as the agent of the minor’s employer within the scope
5 of employment.

6 (c) A minor may not:

7 (1) use or possess a tobacco product or cigarette rolling paper; or

8 (2) obtain or attempt to obtain a tobacco product or cigarette rolling paper
9 by using a form of identification that:

10 (i) is falsified; or

11 (ii) identifies an individual other than the minor.

12 (d) (1) A violation of this section is a civil offense.

13 (2) A minor who violates this section is subject to the procedures and
14 dispositions provided in Title 3, Subtitle 8A of the Courts Article.

15 (e) (1) A law enforcement officer authorized to make arrests shall issue a
16 citation to a minor if the law enforcement officer has probable cause to believe that the
17 minor is committing or has committed a violation of this section.

18 (2) **AN ALCOHOLIC BEVERAGES INSPECTOR FOR KENT COUNTY MAY**
19 **ISSUE A CITATION TO A MINOR IF THE ALCOHOLIC BEVERAGES INSPECTOR HAS**
20 **PROBABLE CAUSE TO BELIEVE THAT THE MINOR IS COMMITTING OR HAS**
21 **COMMITTED A VIOLATION OF THIS SECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2015.