L25lr1822 CF 5lr2300

By: Calvert County Senators

Introduced and read first time: February 3, 2015

Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning	
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## Calvert County - Sale or Distribution of Tobacco and Related Products - Civil **Penalties**

- 4 FOR the purpose of prohibiting a person who owns and operates a certain business in 5 Calvert County that engages in the retail sale of tobacco products from storing or 6 displaying a tobacco product in a certain manner; prohibiting a person in Calvert 7 County from distributing a tobacco product to a minor except under certain 8 circumstances, distributing cigarette rolling papers to a minor, or distributing to a 9 minor a coupon redeemable for a tobacco product except under certain circumstances; providing that a person has not violated a certain provision if the 10 11 person took certain actions under certain circumstances; providing for civil penalties 12 for violations of certain prohibitions; and generally relating to the sale or distribution in Calvert County of tobacco and related products to minors. 13
- BY repealing and reenacting, with amendments,
- 15 Article – Local Government
- 16 Section 1–1202 and 1–1203
- 17 Annotated Code of Maryland
- 18 (2013 Volume and 2014 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 19
- 20 That the Laws of Maryland read as follows:
- 21 Article - Local Government
- 22 1-1202.

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- 23 This section applies only in: (a)
- 24(1) **CALVERT COUNTY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1		<b>(2)</b>	Carro	oll County; and		
2		<b>[</b> (2) <b>]</b>	(3)	Garrett County.		
3	(b)	This	section	a does not apply to:		
4 5	State law;	(1)	the sa	ale of a tobacco product from a vending machine that complies with		
6 7 8	tobacco prod Article; or	(2) a tobacconist establishment that engages primarily in the sale of ucts other than cigarettes, as defined in § 16–101 of the Business Regulation				
9	liquor.	(3)	a bus	siness that engages primarily in the retail sale of beer, wine, and		
$\frac{1}{2}$	(c) A person who owns or operates a business that engages in the retail sale of a tobacco product may not store or display a tobacco product unless the tobacco product:					
13		(1)	is not	t immediately accessible to customers; and		
14 15	of the owner	(2)		cessible only to the owner or operator of the business or an agent		
16 17	(d) and is subj	(d) A person who violates subsection (c) of this section commits a civil infraction and is subject to a civil penalty of:				
18		(1)	\$100	for the first violation; and		
9		(2)	\$300	for any subsequent violation.		
20 21	(e) date of the f	A citation for a second violation may not be issued within 30 days after the first citation.				
22 23	(f) After a citation is issued for a second violation, a citation may be issued each day that the violation continues after the date of the second citation.					
24	1–1203.					
25	(a)	This	section	applies only in:		
26		(1)	CAL	VERT COUNTY;		
7		(2)	Carro	all County		

1		[(2)] <b>(3)</b>	Cecil County;			
2		[(3)] <b>(4)</b>	Garrett County; and			
3		[(4)] <b>(5)</b>	St. Mary's County.			
4 5	(b) that is redee		(c)(3) of this section does not apply to the distribution of a coupon tobacco product if the coupon:			
6 7	the coupon is	(1) is contained in a newspaper, magazine, or other type of publication and ne coupon is incidental to the primary purpose of the publication; or				
8		(2) is set	nt through the mail.			
9	(c)	A person m	ay not:			
10 11 12	(1) distribute a tobacco product to a minor, unless the minor is acting solely as the agent of the minor's employer who is engaged in the business of distributing tobacco products;					
13		(2) distr	ibute cigarette rolling papers to a minor; or			
14		(3) distr	ibute to a minor a coupon redeemable for a tobacco product.			
15	(d)	A person ha	as not violated this section if:			
16 17 18	(1) the person examined the driver's license or other valid government—issued identification presented by the recipient of a tobacco product, cigarette rolling paper, or coupon redeemable for a tobacco product; and					
19 20	being at leas		icense or other identification positively identified the recipient as ld.			
21 22 23	(e) (1) In <b>CALVERT COUNTY</b> , Carroll County, and St. Mary's County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:					
24		(i)	\$300 for the first violation; and			
25 26	previous cita	(ii)	\$500 for any subsequent violation within 24 months after the			
27 28	infraction ar		ecil County, a person who violates this section commits a civil to a civil penalty of:			

\$300 for the first violation;

(i)

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1	(11)	\$500 for a second violation; and				
2	(iii)	\$750 for any subsequent violation.				
3 4	(3) In Garrett County, a person who violates this section commits a civil infraction and is subject to a civil penalty not exceeding \$300.					
5 6	SECTION 2. AND October 1, 2015.	D BE IT FURTHER ENACTED, That this Act shall take effect				