SENATE BILL 815

By: **Senator Simonaire** Introduced and read first time: February 20, 2015 Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

Anne Arundel County – Sale or Distribution of Tobacco and Related Products – Civil Penalties

4 FOR the purpose of prohibiting a person in Anne Arundel County from distributing a $\mathbf{5}$ tobacco product to a minor except under certain circumstances, distributing cigarette 6 rolling papers to a minor, or distributing to a minor a coupon redeemable for a 7 tobacco product except under certain circumstances; providing that a person has not 8 violated a certain provision if the person took certain actions under certain 9 circumstances; providing for civil penalties for violations of certain prohibitions; and generally relating to the sale or distribution in Anne Arundel County of tobacco and 1011 related products to minors.

- 12 BY repealing and reenacting, with amendments,
- 13 Article Local Government
- 14 Section 1–1203
- 15 Annotated Code of Maryland
- 16 (2013 Volume and 2014 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:
- 19Article Local Government201–1203.21(a)This section applies only in:
 - 22 (1) ANNE ARUNDEL COUNTY;
 - 23 (2) Carroll County;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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1		[(2)] (3)	Cecil County;
2		[(3)] (4)	Garrett County; and
3		[(4)] (5)	St. Mary's County.
4 5	(b) Subsection (c)(3) of this section does not apply to the distribution of a coupon that is redeemable for a tobacco product if the coupon:		
$6 \\ 7$	(1) is contained in a newspaper, magazine, or other type of publication and the coupon is incidental to the primary purpose of the publication; or		
8		(2) is sen	at through the mail.
9	(c)	A person may 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) distri	bute cigarette rolling papers to a minor; or
14		(3) distri	bute to a minor a coupon redeemable for a tobacco product.
15	(d)	A person ha	s 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	(2) the license or other identification positively identified the recipient as being at least 18 years old.		
$21 \\ 22 \\ 23$	(e) (1) In ANNE ARUNDEL COUNTY , 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
$\begin{array}{c} 25\\ 26 \end{array}$	previous cita	(ii) ation.	\$500 for any subsequent violation within 24 months after the
$\begin{array}{c} 27\\ 28 \end{array}$	(2) In Cecil County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:		
29		(i)	\$300 for the first violation;

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1 (ii) \$500 for a second violation; and

2 (iii) \$750 for any subsequent violation.

3 (3) In Garrett County, a person who violates this section commits a civil 4 infraction and is subject to a civil penalty not exceeding \$300.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 6 October 1, 2015.