

Bill No. 41-15
Concerning: Health – Distribution of
Tobacco Products to Minors –
Penalties
Revised: 10-20-15 Draft No. 5
Introduced: September 29, 2015
Enacted: November 17, 2015
Executive: November 22, 2015
Effective: February 21, 2016
Sunset Date: None
Ch. 53, Laws of Mont. Co. 2015

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice
Co-Sponsors: Council President Leventhal, Council Vice President Floreen, and Councilmembers
Elrich, Navarro, Hucker, Katz, Riemer, and Berliner

AN ACT to:

- (1) increase the maximum civil fine for distributing a tobacco product to a minor; and
- (2) generally amend the law prohibiting the distribution of a tobacco product to a minor.

By amending

Montgomery County Code
Chapter 24, Health and Sanitation
Section 24-11

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 24-11 is amended as follows:

24-11. Distribution of tobacco products to minors.

(a) Definitions. In this Section the following words have the meanings indicated.

(1) Tobacco product means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.

(2) Distribute means to:

(A) give away, sell, deliver, dispense, or issue;

(B) offer to give away, sell, deliver, dispense, or issue; or

(C) cause or hire any person to give away, sell, deliver, dispense, or issue or offer to give away, sell, deliver, dispense, or issue.

(b) Unlawful distribution.

(1) A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes must not:

(i) distribute any 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;

(ii) distribute cigarette rolling papers to a minor; or

(iii) distribute to a minor a coupon redeemable for any tobacco product.

(2) A person, who is not a person described under paragraph (b)(1), must not:

(i) buy for or sell to a minor any tobacco product; or

(ii) deliver or sell to a minor cigarette rolling papers.

- 27 (c) Subsection (b) does not apply to the distribution of a coupon which is
 28 redeemable for any tobacco product when the coupon is contained in a
 29 newspaper, a magazine, or any other type of publication in which the
 30 coupon is incidental to the primary purpose of the publication, or sent
 31 through the mail.
- 32 (d) A person has not violated this Section if:
- 33 (1) that person examined a driver's license or another valid
 34 identification issued by an employer, a government entity, or an
 35 institution of higher education; and
- 36 (2) that license or other identification positively identified the buyer or
 37 recipient of a tobacco product as at least 18 years old.
- 38 (e) If a minor bought a tobacco product from a vending machine, this Section
 39 does not apply to the owner of the vending machine or any other person
 40 with control over the vending machine.
- 41 (f) A person who violates this Section is liable for a [class A] civil violation.
 42 The maximum civil fine is \$1000 for a first offense and \$1000 for each
 43 subsequent offense.

44 *Approved:*

45 George Leventhal 11/18/2015
George Leventhal, President, County Council Date

46 *Approved:*

47 Isiah Leggett Nov 29 2015
Isiah Leggett, County Executive Date

48 *This is a correct copy of Council action.*

49 Linda M. Lauer Nov 27, 2015
Linda M. Lauer, Clerk of the Council Date