Sec. 12-201. Definitions.

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

(1) **Distribute** means to:
    (A) Give away, sell, deliver, dispense, or issue; or
    (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, dispense, or issue.

(2) **Employee** means an individual employed by an owner.

(3) **Minor** means an individual under the age of eighteen (18).

(4) **Owner** means a person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes.

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

(6) **Unpackaged cigarettes** means any cigarette not contained within a sealed original package of at least twenty (20) cigarettes that are designed and intended to be sold or distributed as a unit.

(CB-65-2001; CB-73-2004; CB-47-2008; CB-6-2009; CB-82-2013)

Sec. 12-202. Unlawful distribution.

(a) An owner or an employee shall not:
    (1) 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;
    (2) Distribute cigarette rolling papers to a minor; or
    (3) Distribute to a minor a coupon redeemable for tobacco products.

(b) A person, who is not an owner, shall not:
    (1) Buy for or sell to a minor any tobacco product; or
    (2) Buy for or sell to a minor cigarette rolling papers.

(c) This Section does not apply to the distribution of a coupon which is redeemable for any tobacco product when the coupon is contained in a newspaper, a magazine, or any other type of publication in which the coupon is incidental to the primary purpose of the publication, or sent through the mail.

(d) A person has not violated this Section if:
    (1) The person examined a driver's license or another valid identification issued by an employer, a governmental entity, or an institution of higher education; and
    (2) The license or other identification identified the buyer or recipient of a tobacco product as being at least 18 years old.

(e) If a minor bought a tobacco product from a vending machine, this Section does not apply to the owner of the vending machine or any other person with control over the vending machine.

(CB-65-2001)
Sec. 12-203. Placement of tobacco products.

(a) An owner shall display or store the tobacco product in a manner which by the design demonstrates the owner’s intent that the tobacco product is inaccessible to the buyer without the intervention of the owner or the owner’s agent. Designs that demonstrate an intent that the tobacco product is inaccessible to the buyer without the intervention of the owner or the owner’s agent shall include storing or displaying the tobacco product as follows:
   (1) Behind the sales counter in a manner which places the tobacco product beyond the physical reach of the buyer in the absence of extraordinary extension beyond the sales counter; or
   (2) In a display case which requires seller assistance to gain access to the tobacco product contained therein; or
   (3) In an overhead merchandising rack that is mounted more than six feet above the floor at the lowest point and from which access to the tobacco product is provided only on the side facing away from the buyer; or
   (4) In any place that is inaccessible to buyers of the tobacco product without the intervention of the owner or the owner’s agent.

(CB-65-2001)

Sec. 12-204. Sale of Unpackaged Cigarettes Prohibited.

(a) Notwithstanding any other provision of law, a retailer or wholesaler may not purchase unpackaged cigarettes from a tobacco manufacturer or sell, resell, distribute, dispense or give away unpackaged cigarettes to any person.

(CB-65-2001; CB-73-2004; CB-47-2008; CB-6-2009; CB-82-2013)

Sec. 12-205. Enforcement and penalties.

(a) This Division shall be enforced by the Health Officer or Health Officer's designee. The Health Officer or designee may issue a citation to any person who violates Sections 12-202, 12-203 or 12-204 of this Division. The citation shall serve as notification to the person that a civil violation has been committed and in accordance with the provisions of Division 3, Subtitle 28 of this Code shall be subject to the monetary civil fine as provided in Subsections (b) and (c) of this Section, subject to his right to elect to stand trial pursuant to Section 28-257 of this Code.

(b) An owner who violates this Division is subject to a civil penalty of not more than Three Hundred Dollars ($300.00) for the first violation and not more than One Thousand Dollars ($1,000.00) for subsequent violations.

(c) An employee who violates this Division is subject to a civil penalty of not more than Fifty Dollars ($50.00) for the first violation and not more than One Hundred Dollars ($100.00) for subsequent violations.

(d) For the purposes of this Division, subsequent violation means a separate and distinct incident at a different time and occasion.

(CB-73-2004)