§ 12-401. Definitions.

(a) In general.

In this subtitle, the following terms have the meanings indicated.

(b) Tobacco product.

(1) In general.

“Tobacco product” means any substance that contains tobacco.

(2) Inclusions.

“Tobacco product” includes any:

(i) cigarette;

(ii) cigar;

(iii) bidi;

(iv) pipe or other smoking tobacco; or

(v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.

§ 12-402. Placement requirements — In general.

(a) Prohibited placement.

Except as otherwise specified in this subtitle, no establishment that sells tobacco products at retail may display, store, or place any tobacco product anywhere that is accessible to customers without the intervention of the seller or an employee of the seller.

(b) Examples of complying placement.

The display, storage, or placement of tobacco products in accord with one of the following methods does not violate subsection (a) of this section:
(1) behind a sales counter in a place that, absent extraordinary efforts, is beyond the physical reach of customers;

(2) in a locked display case for which seller assistance is needed to gain access to products in the case; or

(3) in an overhead merchandise rack that:
    
    (i) at its lowest point, is at least 6 feet above the floor; and

    (ii) permits access to products in the rack only from the side facing away from customers.

§ 12-403. Placement requirements — Exceptions.

This subtitle does not apply to:

(1) the sale of tobacco products from a vending machine that complies with all requirements of State Business Regulation Article, Title 16, Subtitle 3A; or

(2) an establishment that:

    (i) sells tobacco products exclusively or primarily; and

    (ii) makes bona fide efforts to prevent minors from entering the establishment.

§§ 12-404 to 12-405. (Reserved)

§ 12-406. Enforcement by citation.

(a) In general.

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental Control Board”}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

(b) Process not exclusive.
The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.


(a) In general.

Any owner, operator, or manager of an establishment that violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(b) Each day a separate offense.

Each day that a violation continues is a separate offense.