§ 12-301. Definitions.

(a) In general.

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

(b) Distribute.

“Distribute” means to:

(1) give, sell, deliver, or offer to give, sell, or deliver; or

(2) cause or hire any person to give, sell, deliver, or offer to give, sell, or deliver.

(c) Less than basic cost.

“Less than basic cost” means:

(1) free of charge;

(2) for a nominal or discount price; or

(3) for any other price that is less than the distributor’s cost plus any applicable tobacco taxes.

(d) Public place

(1) In general.

“Public place” means any area, whether open or enclosed, to which members of the public are normally invited or permitted.

(2) Inclusions.

“Public place” includes parks, streets, sidewalks, sports fields, gymnasiums, shopping centers, and any property owned, occupied, or operated by the City.
(3) **Exclusions.**

“Public place” does not include any retail store.

§ 12-302. **Exemptions.**

(a) *Single cigarette.*

This subtitle does not apply to the distribution of a single cigarette.

(b) *Downtown area.*

This subtitle does not apply anywhere in the area within and bounded by:

1. Centre Street on the north;
2. the Fallsway on the east;
3. Pratt Street on the south;
4. Paca Street on the west; and
5. Druid Hill Avenue on the northwest.

(c) *Published coupons.*

This subtitle does not apply to a coupon that is contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication.

(d) *Private functions.*

This subtitle does not apply to the distribution of tobacco products or coupons at an event that is held in an enclosed area to which entry is not available to the general public but only to those whom the sponsor of the event invites.

(e) *Tobacco company employees.*

This subtitle does not apply to the distribution of tobacco products or coupons by a retailer, manufacturer, or distributor of tobacco products to its adult employees.

§ 12-303. **Public distribution prohibited.**

(a) *Tobacco products.*
Except as specified in § 12-302 {“Exemptions”} of this subtitle, no person in any public place or at any public event may distribute to a member of the public any tobacco product at less than basic cost.

(b) *Coupons.*

Except as specified in § 12-302 {“Exemptions”} of this subtitle, no person in any public place or at any public event may distribute to a member of the public any coupon that is redeemable for a tobacco product to members of the public in public places, in public areas or at public events.

§§ 12-304 to 12-305. *(Reserved)*

§ 12-306. Penalties.

(a) *In general.*

Any person who 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 distribution a separate offense*

Each person to whom a tobacco product is distributed constitutes a separate offense.