§ 13-12-101. DEFINITIONS.

(a) In general. In this title, the following words have the meanings indicated.

(b) Distribute. “Distribute” means to:

(1) Give, sell, deliver, dispense, or issue; or

(2) Offer to give, sell, deliver, dispense, or issue; or

(3) Cause or hire any person to give, sell, deliver, dispense, or issue or offer to give, sell, deliver, dispense, or issue.

(c) Minor. “Minor” means any person under 18 years of age.

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

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

(Bill No. 79-07, § 1, 1-10-2008)

§ 13-12-102. SCOPE.

(a) Coupons. This title does not apply to the distribution of a coupon that is redeemable for a tobacco product, if the coupon is:

(1) Contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) Sent through the mail.

(b) Minor as agent. This title does not apply to the distribution of a tobacco product to a minor who is acting solely as the agent of the minor’s employer if the employer distributes tobacco products for commercial purposes.
(c) **Vending machines.** This title does not apply to the sale of any tobacco product from a vending machine that complies with all requirements of state law.

(Bill No. 79-07, § 1, 1-10-2008)

§ 13-12-103. DISTRIBUTION TO MINORS.

(a) **Owner.** An owner may not distribute to a minor:

1. Any tobacco product;
2. Tobacco paraphernalia; or
3. A coupon redeemable for a tobacco product.

(b) **Other person.** A person other than an owner may not:

1. Buy for or sell any tobacco product to a minor; or
2. Distribute tobacco paraphernalia to a minor.

(c) **No violation.** A violation of this section has not occurred if the owner or other distributor:

1. Examined the purchaser’s or recipient’s drivers license or another valid identification issued by a government entity or institution of higher education; and
2. That license or other identification positively identified the purchaser or recipient of a tobacco product as at least 18 years of age.

(Bill No. 79-07, § 1, 1-10-2008)

§ 13-12-104. PLACEMENT OF TOBACCO PRODUCTS.

(a) **Accessibility.** Any person who owns or operates a business that engages in the retail sale of a tobacco product may not store or display tobacco products unless such products:

1. Are not immediately accessible to customers; and
2. Are accessible only to the owner or operator of the business or an agent or employee of the owner or operator.

(b) **Exception.** This section does not apply to a tobacconist establishment that engages primarily in the sale of tobacco products other than cigarettes, as defined in § 16-101 of the Business Regulation Article of the Maryland Annotated Code, which posts a sign at each entrance stating that the establishment is adults only.
§ 13-12-105. PENALTIES AND ENFORCEMENT.

(a) Penalty for owners. An owner who violates any provision of this article is subject to a civil penalty of $300 for the first violation and $500 for subsequent violations.

(b) Penalty for others. Any other person who violates any provision of this article is subject to a civil penalty of $50 for the first violation and $100 for subsequent violations.

(c) Separate offenses. For purposes of this section, each separate incident at a different time and occasion is a violation.

(d) Enforcement.

(1) The Baltimore County Department of Health shall enforce the provisions of this title.

(2) The Department may adopt reasonable regulations, in accordance with the provisions of Article 3, Title 7, to carry out the purposes of this title.