Sec. 12.1300. Definitions.

In this subtitle the following words have the meanings indicated.

(a) *Distribute* means to:

(1) Give away, sell, deliver, dispense, or issue;
(2) Offer to give away, sell, deliver, dispense, or issue; or
(3) Cause or hire any person to give away, sell, deliver, dispense, or issue or offer to
give away, sell, deliver, dispense, or issue.

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

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

(d) *Owner* means a person engaged in the business of selling or otherwise distributing

   tobacco products for commercial purposes.

(e) *Tobacco product* means any substance containing tobacco, including cigarettes, cigars,

   smoking tobacco, snuff, or smokeless tobacco.

(C.B. 14, 2001)

Sec. 12.1301. Unlawful distribution.

(a) A person engaged in the business of selling or otherwise distributing tobacco products for

   commercial purposes 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 any tobacco product.

(b) A person, who is not a person described under subsection (a) of this section, 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:
The person examined a driver’s license or another valid identification issued by an employer, a government entity, or an institution of higher learning; 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.
(C.B. 14, 2001)

Sec. 12.1302. Enforcement and penalties.

(a) This subtitle shall be enforced by the health officer.

(b) A person who believes that a violation of this subtitle has occurred may file a complaint with the health officer.

(c) A person who violates section 12.1301(a) of this subtitle is subject to a civil penalty under title 24 of this Code, as follows:

(1) A violation by an owner is a class B offense, and a subsequent violation within one year is a class A offense;
(2) A violation by an employee is:

i. For the employee a class D offense, and for a subsequent violation within one year a class C offense; and
ii. For the owner a class B offense, and for a subsequent violation within one year a class A offense.

(d) A violation of section 12.1301(b) of this subtitle is a class D offense.

(e) For the purposes of this section, a subsequent violation means a separate and distinct action at a different time and occasion.
(C.B. 14, 2001)