Chapter 156: TOBACCO PRODUCTS

[HISTORY: Adopted by the County Commissioners of Kent County 6-3-2003 by Bill No. 2-2003. Amendments noted where applicable.]

§ 156-1. Definitions.

In this chapter the following words have the meanings indicated:

DISTRIBUTE

A. To give away, sell, deliver, dispense, or issue;
B. To offer to give away, sell, deliver, dispense, or issue; or
C. To cause or hire any person to give away, sell, deliver, dispense, or issue or offer to give away, sell, deliver, dispense, or issue.

EMPLOYEE — An individual employed by an owner.

MINOR — Any person under 18 years of age.

OWNER — A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes.

TOBACCO PRODUCT — Any substance containing tobacco, including cigarettes, smoking tobacco, snuff, or smokeless tobacco.

§ 156-2. Distribution of tobacco products to minors.

A. An owner 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. Any person other than an owner must not:
   (1) Buy for or distribute to a minor any tobacco product; or
   (2) Buy for or distribute 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) That person examined a driver's license or another valid identification issued by a governmental entity; and
   (2) That license or other identification positively identified the buyer or recipient of a tobacco product
as at least 18 years old.

§ 156-3. Storage and display of tobacco products.

A. An owner shall store or display tobacco products such that the product is out of reach of all consumers and in a location accessible only to the owner or the owner's agent.

B. This section does not apply to:
   (1) The location of a tobacco vending machine that complies with all requirements of state law; and
   (2) A tobacconist establishment that engages primarily in the sale of tobacco products other than cigarettes as the term cigarette is defined in § 16-101 of the Business Regulations Article of the Maryland Annotated Code.

§ 156-4. Enforcement and penalties.

A. A person violating this chapter shall be guilty of a civil violation and subject to a civil fine as provided in Subsections C, D and E of this section.

B. This chapter shall be enforced by the Health Officer or the Health Officer's designee. The Health Officer or the Health Officer's designee may issue a citation to any person who violates §§ 156-2 or 156-3 of this chapter.

C. An owner who violates § 156-2 is subject to a civil penalty of $300 for the first violation and $500 for subsequent violations within a two-year period.

D. Any other person who violates § 156-2 is subject to a civil penalty of $50 for the first violation and $100 for subsequent violations within a two-year period.

E. An owner who violates § 156-3 is subject to a civil penalty of $100 for the first violation and $300 for subsequent violations. A citation for a second infraction of § 156-3 may be issued no sooner than 30 days after the initial citation. A citation for a third or later infraction of § 156-3 may be issued each day the violation continues after the date of the second citation.

F. For purposes of this chapter, "subsequent violation" means a separate and distinct incident at a different time and occasion.