Chapter 159: SMOKING AND TOBACCO PRODUCTS

[HISTORY: Adopted by the County Council of Talbot County as indicated in article histories. Amendments noted where applicable.]

ARTICLE II Tobacco Products [Adopted 5-22-2001 by Bill No. 813]

§ 159-12. Purpose.

The Talbot County Council finds and declares that tobacco products are a hazard to the health of the general public, especially youth, and that tobacco products should be made accessible at retail places only through the intervention of the retail seller or seller’s employee.

§ 159-13. Placement of Tobacco Products; definitions; exceptions.

A. A retail seller of tobacco products shall not display or store the product in any place that is accessible to buyers of the product without the intervention of the seller or an employee of the seller. Violation of the provisions of this article shall be a civil infraction subject to the penalties provided herein.

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

C. “Retail seller” means the owner or proprietor of the business establishment.

D. This section does not apply to:

   (1) The sale of any tobacco product from a vending machine that complies with all requirements of state law; or
   (2) Any store where only tobacco products are sold either exclusively or primarily.

§ 159-14. Enforcement.

A. Any person who desires to report an alleged violation of this article may file a written complaint with the Talbot County Health Department. Upon receipt of a written complaint, representatives of the Talbot County Health Department shall inspect the premises and document their findings.

B. If, during routine inspections of retail establishments covered by this article, any state or County agency finds that the requirements of this article are not being met, they shall report such noncompliance to the Talbot County Health Department.

C. Written warnings and civil citations for alleged violations of this article shall be issued by representatives of the Talbot County Health Department and prosecuted by the County Attorney in accordance with the procedures and requirements pertaining to municipal infractions set forth in Article 23 A, § 3, Annotated Code of Maryland, as the same may be amended from time to time.

§ 159-15. Violations and penalties.

Any person who violates any provision of this article shall be guilty of a civil infraction and shall be punished as follows:

A. For a first and second violation, upon a written acknowledgement of the violation by the retail seller,
representatives of the Talbot County Health Department shall provide information concerning the requirements of this article and issue a written warning. A subsequent violation shall be treated as a first offense.

B. All violations other than those disposed of pursuant to the above § 23-24A(1) shall be punished by a fine in accordance with the following schedule:
   (1) For a first offense: $100;
   (2) For a second offense: $200;
   (3) For a third or subsequent offense: $300.