Chapter 135: DRUGS AND TOBACCO PRODUCTS

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


The Wicomico 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.


A. A retail seller of tobacco product 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.

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

C. “Retail seller” or “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 or primarily tobacco products are sold.
   3. The sale of tobacco product from a humidor clearly marked “no access or sales to minors.”


A. An owner, proprietor, or person in charge of a retail establishment covered by this article shall comply with all the requirements of this article.

B. Any person who desires to report an alleged violation of this article may file a complaint with the Wicomico County Health Department Tobacco Program Coordinator.

C. 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 may report such noncompliance to the Wicomico County Health Department Tobacco Program Coordinator.

D. Written warnings and civil citations for alleged violations of this article shall be issued by representatives of the Wicomico County Health Department or Office of the Sheriff and prosecuted by the County Attorney in accordance with the procedures and requirements pertaining to civil infractions set forth in Chapter 221 of the Wicomico County Code, as the same may be amended from time to time.

§ 135-12. Penalties.

Any person who violates any provision of this article shall be guilty of a civil infraction, and shall be penalized subject to the following schedule:

A. For a first violation, the Wicomico County Health Department Tobacco Program Coordinator shall
issue a written warning providing the retail seller two weeks to comply with the provisions of this article before being subject to a fine. A subsequent violation shall be treated as a first offense.

B. All violations other than those disposed of pursuant to § 135-12A shall be punished by a fine in accordance with the following schedule:
   (1) First offense: fine of $250.
   (2) Second offense: fine of $500.
   (3) Third offense: fine of $750.
   (4) Fourth or subsequent offense: fine of $1,000.

C. Each day a violation continues may constitute a separate offense.