

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0476

Introduced by: The Council President
At the request of: The Administration (Health Department)
Introduced and read first time: December 16, 2019
Assigned to: Health Committee
Committee Report: Favorable
Council action: Adopted
Read second time: January 13, 2020

AN ORDINANCE CONCERNING

1 Tobacco Distribution – Conforming Modifications

2 FOR the purpose of conforming the City Health Code with certain amendments made by Chapter
3 396, 2019 Laws of Maryland; prohibiting the distribution of certain tobacco products to
4 individuals under 21; providing for an exception for active military personnel; defining
5 certain terms; and providing for a special effective date.

6 BY repealing and re-ordaining, with amendments

7 Article - Health

8 Section(s) 12-501, 12-502, 12-503, to be under the amended subtitle designation

9 “Subtitle 12. Unlawful Distribution”

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
13 Laws of Baltimore City read as follows:

14 **Baltimore City Revised Code**

15 **Article – Health**

16 **Title 12. Tobacco Products**

17 **Subtitle 5. UNLAWFUL Distribution [to Minors]**

18 **§ 12-501. Definitions.**

19 (a) *In general.*

20 In this subtitle, the following terms have the meanings indicated.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 19-0476

1 [(b) *Electronic smoking device.*]

2 ["Electronic smoking device" has the meaning stated in § 12-101 {"Definitions"} of this
3 title.]

4 (B) [(c)] *Distribute.*

5 "Distribute" means to:

6 (1) give away, sell, deliver, dispense, or issue;

7 (2) offer to give away, sell, deliver, dispense, or issue; or

8 (3) cause or hire any person to:

9 (i) give away, sell, deliver, dispense, or issue; or

10 (ii) offer to give away, sell, deliver, dispense, or issue.

11 (C) [(d)] *Tobacco product.*

12 [(1) *In general.*

13 "Tobacco product" means any substance that contains tobacco.

14 (2) *Inclusions.*

15 "Tobacco product" includes any:

16 (i) cigarette;

17 (ii) cigar;

18 (iii) bidi;

19 (iv) pipe or other smoking tobacco; or

20 (v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.]

21 "TOBACCO PRODUCT" HAS THE MEANING STATED IN STATE HEALTH-GENERAL ARTICLE,
22 § 13-1001 {DEFINITIONS: TOBACCO PRODUCT}.

23 **§ 12-502. Unlawful distribution.**

24 (a) *Persons in business.*

25 A person engaged in the business of selling or otherwise distributing tobacco products [or
26 electronic smoking devices] for commercial purposes may not:

Council Bill 19-0476

1 (1) distribute any tobacco product [or electronic smoking device] to [a minor] AN
2 INDIVIDUAL UNDER THE AGE OF 21 YEARS, unless the [minor] INDIVIDUAL is acting
3 solely as the agent of an employer engaged in the business of distributing those
4 products or devices;

5 (2) distribute any cigarette rolling paper to [a minor] AN INDIVIDUAL UNDER THE AGE
6 OF 21 YEARS; or

7 (3) distribute to [a minor] AN INDIVIDUAL UNDER THE AGE OF 21 YEARS any coupon
8 redeemable for any tobacco product [or electronic smoking device].

9 (b) *Others.*

10 A person not described in subsection (a) of this section may not:

11 (1) buy for or sell to [a minor] AN INDIVIDUAL UNDER THE AGE OF 21 YEARS any
12 tobacco product [or electronic smoking device]; or

13 (2) buy for or sell or deliver to [a minor] AN INDIVIDUAL UNDER THE AGE OF 21 YEARS
14 any cigarette rolling paper.

15 **§ 12-503. Exceptions.**

16 (a) *Published coupon.*

17 This subtitle does not apply to the distribution of a coupon that is:

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

20 (2) sent through the mail.

21 (b) *Identification [as adult] OF AGE.*

22 A person has not violated this subtitle if:

23 (1) the person examined a buyer's or recipient's driver's license or other
24 identification issued by an employer, governmental entity, or institution of higher
25 education; and

26 (2) the license or other identification identified the buyer or recipient as being at least
27 [18] 21 years old.

28 (c) *ACTIVE DUTY MILITARY.*

29 A PERSON HAS NOT VIOLATED THIS SUBTITLE IF:

30 (1) THE PERSON EXAMINED A BUYER'S OR RECIPIENT'S VALID MILITARY
31 IDENTIFICATION; AND

Council Bill 19-0476

1 (2) THE IDENTIFICATION INDICATED THAT THE BUYER OR RECIPIENT IS:

2 (I) AN ACTIVE DUTY MEMBER OF THE MILITARY; AND

3 (II) AT LEAST 18 YEARS OLD.

4 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance
5 are not law and may not be considered to have been enacted as a part of this or any prior
6 Ordinance.

7 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
8 enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City