

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0388

Introduced by: Councilmembers Conaway, Curran, Kraft, Clarke, Holton, Reisinger, Henry,
Spector

Introduced and read first time: August 10, 2009

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: October 5, 2009

AN ORDINANCE CONCERNING

Flavored Tobacco Wrappings – Sale or Distribution

FOR the purpose of prohibiting the sale or distribution of flavored tobacco wrappings; defining certain terms; providing certain exceptions; imposing certain criminal and civil penalties, and generally relating to the sale of flavored tobacco wrappings.

BY adding

Article - Health

Section(s) 12-601 to 12-607, to be under the new subtitle,

“Subtitle 6. Flavored Tobacco Wrappings”

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(7)(Title 12) and 41-14(7)(Title 12)

Baltimore City Code

(Edition 2000)

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

Baltimore City Revised Code

Article – Health

Title 12. Tobacco Products

SUBTITLE 6. FLAVORED TOBACCO WRAPPINGS

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.

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1 **§ 12-601. DEFINITIONS.**

2 (A) *IN GENERAL*

3 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *DISTRIBUTE.*

5 “DISTRIBUTE” MEANS TO:

6 (1) SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE DISTRIBUTE;

7 (2) OFFER TO SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE DISTRIBUTE;
8 OR

9 (3) CAUSE OR HIRE ANY PERSON TO:

10 (I) SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE DISTRIBUTE;
11 OR

12 (II) OFFER TO SELL, DELIVER, DISPENSE, ISSUE, TRANSFER OR OTHERWISE
13 DISTRIBUTE.

14 (C) *FLAVORED TOBACCO WRAPPING.*

15 ~~“FLAVORED TOBACCO WRAPPING” MEANS ANY CIGARETTE ROLLING PAPER OR TOBACCO~~
16 ~~WRAPPING LEAF THAT IS, OR IS HELD OUT TO BE, IMPREGNATED OR SCENTED WITH OR~~
17 ~~AGED OR DIPPED IN ALCOHOLIC LIQUOR, CHOCOLATE, FRUIT FLAVORING, VANILLA, HONEY,~~
18 ~~OR ANY OTHER FLAVORING AGENT.~~

19 “FLAVORED TOBACCO WRAPPING” MEANS ANY CIGARETTE ROLLING PAPER OR TOBACCO
20 WRAPPING LEAF OR PAPER CONSTITUTED FROM TOBACCO THAT IS, OR IS HELD OUT TO BE,
21 IMPREGNATED OR SCENTED WITH, OR AGED OR DIPPED IN, OR HAS AS A CONSTITUENT PART
22 (INCLUDING A SMOKE CONSTITUENT) OR ADDITIVE, AN ARTIFICIAL OR NATURAL FLAVOR,
23 ALCOHOLIC LIQUOR, OR AN HERB OR SPICE, INCLUDING STRAWBERRY, GRAPE, ORANGE,
24 CLOVE, CINNAMON, PINEAPPLE, COCONUT, LICORICE, COCOA, CHERRY, COFFEE,
25 CHOCOLATE, VANILLA, HONEY, OR ANY OTHER FLAVORING AGENT THAT IS A
26 CHARACTERIZING FLAVOR OF THE TOBACCO PRODUCT OR THE TOBACCO SMOKE.

27 **§ 12-602. DISTRIBUTION PROHIBITED**

28 NO PERSON MAY DISTRIBUTE FOR CONSIDERATION ANY FLAVORED TOBACCO WRAPPING TO
29 ANY OTHER PERSON.

30 **§ 12-603. EXCEPTION FOR CERTAIN TOBACCO SHOPS.**

31 THIS SUBTITLE DOES NOT APPLY TO THE DISTRIBUTION OF FLAVORED WRAPPING PAPER BY OR
32 TO A RETAIL TOBACCO ESTABLISHMENT THAT:

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1 (1) DERIVES AT LEAST 75% OF ITS REVENUES, MEASURED BY AVERAGE DAILY RECEIPTS,
2 FROM THE SALE OF NON-CIGARETTE TOBACCO PRODUCTS;

3 (2) MAINTAINS FOR SALE AN INVENTORY OF LOOSE TOBACCO PRODUCTS; AND

4 (3) PROHIBITS THE ENTRY OF MINORS AT ALL TIMES.

5 ~~§§ 12-604 TO 12-605. {RESERVED}~~

6 **§ 12-604. EXCEPTION FOR VENDING MACHINE SALES.**

7 THIS SUBTITLE DOES NOT APPLY TO THE SALE OR DISTRIBUTION OF TOBACCO PRODUCTS BY
8 VENDING MACHINES.

9 ~~§ 12-605. {RESERVED}~~

10 **§ 12-606. ENFORCEMENT BY CITATION.**

11 (A) *IN GENERAL.*

12 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
13 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

14 (1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1,
15 SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

16 (2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
17 CITATIONS"}

18 (B) *PROCESS NOT EXCLUSIVE.*

19 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
20 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

21 **§ 12-607. PENALTIES.**

22 (A) *IN GENERAL.*

23 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
24 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN ~~\$150~~ \$250
25 FOR EACH OFFENSE.

26 (B) *EACH WRAPPER A SEPARATE OFFENSE.*

28 EACH INDIVIDUAL WRAPPING DISTRIBUTED IN VIOLATION OF THIS SUBTITLE IS A SEPARATE
29 OFFENSE.

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Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(7) ***Health Code***

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Title 12: Tobacco Products

Subtitle 1: Indoor Smoking

Person smoking \$250

Employer, other person in charge \$500

Subtitle 2: Sale of Unpackaged Cigarettes \$150

Subtitle 4: Placement of Tobacco Products \$500

Subtitle 5: Distribution to Minors \$500

SUBTITLE 6: FLAVORED TOBACCO WRAPPINGS \$150 \$250

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Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(6) ***Health Code***

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Title 12: Tobacco Products

Subtitle 1: Indoor Smoking

Person smoking \$250

Employer, other person in charge \$500

Subtitle 2: Sale of Unpackaged Cigarettes \$150

Subtitle 4: Placement of Tobacco Products \$500

Subtitle 5: Distribution to Minors \$500

SUBTITLE 6: FLAVORED TOBACCO WRAPPINGS \$150 \$250

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

4 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
5 after the date it is enacted.

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

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City