

**CITY OF BALTIMORE  
COUNCIL BILL 09-0388  
(First Reader)**

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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

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of  
Finance, Environmental Control Board

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Flavored Tobacco Wrappings – Sale or Distribution**

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

6 BY adding

7 Article - Health

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

9 “Subtitle 6. Flavored Tobacco Wrappings”

10 Baltimore City Revised Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 1 - Mayor, City Council, and Municipal Agencies

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

15 Baltimore City Code

16 (Edition 2000)

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

19 **Baltimore City Revised Code**

20 **Article – Health**

21 **Title 12. Tobacco Products**

22 **SUBTITLE 6. FLAVORED TOBACCO WRAPPINGS**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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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,  
18 HONEY, OR ANY OTHER FLAVORING AGENT.

19 **§ 12-602. DISTRIBUTION PROHIBITED**

20 NO PERSON MAY DISTRIBUTE FOR CONSIDERATION ANY FLAVORED TOBACCO WRAPPING TO  
21 ANY OTHER PERSON.

22 **§ 12-603. EXCEPTION FOR CERTAIN TOBACCO SHOPS.**

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

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

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

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

29 **§§ 12-604 TO 12-605. {RESERVED}**

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

(A) *IN GENERAL.*

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

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

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

(B) *PROCESS NOT EXCLUSIVE.*

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

**§ 12-607. PENALTIES.**

(A) *IN GENERAL.*

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

(B) *EACH WRAPPER A SEPARATE OFFENSE.*

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

**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

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1	Subtitle 2: Sale of Unpackaged Cigarettes	\$150
2	Subtitle 4: Placement of Tobacco Products	\$500
3	Subtitle 5: Distribution to Minors	\$500
4	SUBTITLE 6: FLAVORED TOBACCO WRAPPINGS	\$150
5	....	

**Subtitle 41. Civil Citations**

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

**(6) Health Code**

9	....	
10	Title 12: Tobacco Products	
11	Subtitle 1: Indoor Smoking	
12	Person smoking	\$250
13	Employer, other person in charge	\$500
14	Subtitle 2: Sale of Unpackaged Cigarettes	\$150
15	Subtitle 4: Placement of Tobacco Products	\$500
16	Subtitle 5: Distribution to Minors	\$500
17	SUBTITLE 6: FLAVORED TOBACCO WRAPPINGS	\$150
18	....	

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

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