

**CITY OF BALTIMORE  
COUNCIL BILL 16-0760  
(First Reader)**

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Introduced by: Councilmembers Holton, Curran, Costello, Scott, Clarke, Spector, Middleton,  
Henry, Reisinger, Welch, Mosby

Introduced and read first time: September 19, 2016

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Tobacco Products and Smoking Devices –**  
3 **Increased Penalties – New Prohibition**

4 FOR the purpose of increasing the penalties for violation of certain laws governing tobacco  
5 products and smoking devices; prohibiting the distribution of tobacco products and smoking  
6 devices near schools; correcting, clarifying, and conforming related provisions; and generally  
7 relating to the use of tobacco products and smoking devices.

8 BY renaming

9 Article - Health  
10 Title 12, Subtitle 5. Distribution to Minors  
11 to be  
12 Title 12, Subtitle 5. Distribution to Minors or Near Schools  
13 Baltimore City Revised Code  
14 (Edition 2000)

15 BY repealing and reordaining, with amendments

16 Article - Health  
17 Sections 12-112(a) and (b)(1), 12-306(a), 12-407(a), 12-502, 12-503, 12-706, and 12-808  
18 Baltimore City Revised Code  
19 (Edition 2000)

20 BY adding

21 Article - Health  
22 Section 12-503  
23 Baltimore City Revised Code  
24 (Edition 2000)

25 BY repealing and reordaining, with amendments

26 Article 1 - Mayor, City Council, and Municipal Agencies  
27 Sections 40-14(e)(7)(He Title 12) and 41-14(6)(He Title 12)  
28 Baltimore City Code  
29 (Edition 2000)

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



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***Subtitle 5. Distribution to Minors OR NEAR SCHOOLS***

**§ 12-502. Unlawful distribution TO MINORS.**

(a) *Persons in business.*

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

- (1) distribute any tobacco product or electronic smoking device to a minor, unless the minor is acting solely as the agent of an employer engaged in the business of distributing those products or devices;
- (2) distribute any cigarette rolling paper to a minor; or
- (3) distribute to a minor any coupon redeemable for any tobacco product or electronic smoking device.

(b) *Others.*

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

- (1) buy for or sell to a minor any tobacco product or electronic smoking device; or
- (2) buy for or sell or deliver to a minor any cigarette rolling paper.

**[§ 12-503. Exceptions.]**

(C) [(a)] *EXCEPTION – Published coupon.*

This [subtitle] SECTION does not apply to the distribution of a coupon that is:

- (1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or
- (2) sent through the mail.

(D) [(b)] *Exception – Identification as adult.*

A person has not violated this [subtitle] SECTION if:

- (1) the person examined a buyer's or recipient's driver's license or other identification issued by an employer, governmental entity, or institution of higher education; and
- (2) the license or other identification identified the buyer or recipient as being at least 18 years old.

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1 **§ 12-503. UNLAWFUL DISTRIBUTION NEAR SCHOOLS.**

2 NO PERSON MAY DISTRIBUTE ANY TOBACCO PRODUCT, ELECTRONIC SMOKING DEVICE, OR  
3 CIGARETTE ROLLING PAPER WITHIN 500 FEET OF THE MAIN ENTRANCE TO ANY ELEMENTARY,  
4 MIDDLE, OR SECONDARY SCHOOL.

5 *Subtitle 7. Smoking in Vendor Trucks*

6 **§ 12-706. Penalties: [~~\$500~~] \$1,000.**

7 Any person who violates any provisions of this subtitle is guilty of a misdemeanor and, on  
8 conviction, is subject to a fine of not more than [~~\$500~~] \$1,000 for each offense.

9 *Subtitle 8. Smoking Near Playgrounds*

10 **§ 12-808. Civil penalties. [~~\$500~~] \$1,000.**

11 Any person who smokes in violation of this subtitle is subject to a civil fine of not more than  
12 [~~\$500~~] \$1,000 for each offense.

13 **Baltimore City Code**

14 **Article 1. Mayor, City Council, and Municipal Agencies**

15 **Subtitle 40. Environmental Control Board**

16 **§ 40-14. Violations to which subtitle applies.**

17 (e) *Provisions and penalties enumerated.*

18 (7) **Health Code**

19 ...  
20 Title 12: Tobacco Products and Smoking Devices

21	Subtitle 1: Indoor Smoking	
22	Person smoking	[ <del>\$500</del> ] \$1,000
23	Employer, other person in charge	[ <del>\$750</del> ] \$1,000
24	Subtitle 2: Sale of Unpackaged Cigarettes	[ <del>\$500</del> ] \$1,000
25	Subtitle 4: Placement of Tobacco Products and Smoking	
26	Devices	[ <del>\$500</del> ] \$1,000
27	Subtitle 5: Distribution to Minors OR NEAR SCHOOLS	[ <del>\$500</del> ] \$1,000
28	Subtitle 6: Flavored Tobacco Wrappings	[ <del>\$500</del> ] \$1,000

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1 Subtitle 7: Mobile Vendors [\\$500] \\$1,000

2 Subtitle 8: Smoking Near Playgrounds [\\$500] \\$1,000

3 . . . .

4 **Subtitle 41. Civil Citations**

5 **§ 41-14. Offenses to which subtitle applies – Listing.**

6 (6) *Health Code*

7 . . . .

8 Title 12: Tobacco Products and Smoking Devices

9 Subtitle 1: Indoor Smoking [\\$500] \\$1,000

10 Person smoking [\\$500] \\$1,000

11 Employer, other person in charge [\\$750] \\$1,000

12 Subtitle 2: Sale of Unpackaged Cigarettes [\\$500] \\$1,000

13 Subtitle 4: Placement of Tobacco Products and [\\$500] \\$1,000  
14 Smoking Devices

15 Subtitle 5: Distribution to Minors OR NEAR SCHOOLS [\\$500] \\$1,000

16 Subtitle 6: Flavored Tobacco Wrappings [\\$500] \\$1,000

17 Subtitle 7: Mobile Vendors [\\$500] \\$1,000

18 Subtitle 8. Smoking Near Playgrounds [\\$500] \\$1,000

19 . . . .

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

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