



Legislation Details (With Text)

**File #:** 16-0760      **Version:** 0      **Name:** Tobacco Products and Smoking Devices - Increased Penalties - New Prohibition

**Type:** Ordinance      **Status:** Failed - End of Term

**File created:** 9/19/2016      **In control:** Judiciary and Legislative Investigations

**On agenda:**      **Final action:** 12/5/2016

**Enactment date:**      **Enactment #:**

**Title:** Tobacco Products and Smoking Devices - Increased Penalties - New Prohibition  
For the purpose of increasing the penalties for violation of certain laws governing tobacco products and smoking devices; prohibiting the distribution of tobacco products and smoking devices near schools; correcting, clarifying, and conforming related provisions; and generally relating to the use of tobacco products and smoking devices.

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**Indexes:** Devices, Increases, Penalties, Prohibition, Smoking, Tobacco

**Code sections:**

**Attachments:** 1. 16-0760~1st Reader

Date	Ver.	Action By	Action	Result
9/22/2016	0	The City Council	Refer to City Solicitor	
9/22/2016	0	The City Council	Refer to Dept. of Health	
9/19/2016	0	City Council	Assigned	
9/19/2016	0	City Council	Introduced	

Introduced by: Councilmember Holton

A Bill Entitled

An Ordinance concerning

**Tobacco Products and Smoking Devices - Increased Penalties - New Prohibition**

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

By renaming

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

By repealing and reordaining, with amendments

Article - Health

Sections 12-112(a) and (b)(1), 12-306(a), 12-407(a), 12-502, 12-503, 12-706, and 12-808  
Baltimore City Revised Code  
(Edition 2000)

By adding

Article - Health  
Section 12-503  
Baltimore City Revised Code  
(Edition 2000)

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Sections 40-14(e)(7)(He Title 12) and 41-14(6)(He 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 and Smoking Devices**

***Subtitle 1. Indoor Smoking***

**§ 12-112. Penalties: Varied.**

(a) *Smoker:* [\$500] \$1,000.

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

(b) *Employer or person in charge:* [\$750] \$1,000.

(1) Any employer or other person in charge who violates a provision of this subtitle or who knowingly allows a violation is subject to a civil fine of not more than [\$750] \$1,000 for each offense.

***Subtitle 3. Distribution of Samples and Coupons***

**§ 12-306. 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 [\$500] \$1,000 for each offense.

***Subtitle 4. Placement of Tobacco Products and Smoking Devices***

**§ 12-407. Penalties: [\$500] \$1,000.**

(a) *In general.*

Any owner, operator, or manager of an establishment that violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [500] \$1,000 for each offense.

***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.

**§ 12-503. Unlawful distribution near schools.**

No person may distribute any tobacco product, electronic smoking device, or cigarette rolling paper within 500 feet of the main entrance to any elementary, middle, or secondary school.

*Subtitle 7. Smoking in Vendor Trucks*

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

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

*Subtitle 8. Smoking Near Playgrounds*

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

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

...  
Title 12: Tobacco Products and Smoking Devices

Subtitle 1: Indoor Smoking  
Person smoking

Employer, other person in charge

[~~\$500~~] \$1,000

[~~\$750~~] \$1,000

Subtitle 2: Sale of Unpackaged Cigarettes

[~~\$500~~] \$1,000

Subtitle 4: Placement of Tobacco Products and Smoking

Devices

[~~\$500~~] \$1,000

Subtitle 5: Distribution to Minors or near schools

[~~\$500~~] \$1,000

Subtitle 6: Flavored Tobacco Wrappings

[~~\$500~~] \$1,000

Subtitle 7: Mobile Vendors

[~~\$500~~] \$1,000

Subtitle 8: Smoking Near Playgrounds

[\$500] \$1,000

....

**Subtitle 41. Civil Citations**

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

**(6) Health Code**

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Title 12: Tobacco Products and Smoking Devices

Subtitle 1: Indoor Smoking

Person smoking

[\$500]

\$1,000

Employer, other person in charge

[\$750] \$1,000

Subtitle 2: Sale of Unpackaged Cigarettes

[\$500] \$1,000

Subtitle 4: Placement of Tobacco Products and Smoking Devices

[\$500] \$1,000

Subtitle 5: Distribution to Minors or near schools

[\$500] \$1,000

Subtitle 6: Flavored Tobacco Wrappings

[\$500] \$1,000

Subtitle 7: Mobile Vendors

[\$500] \$1,000

Subtitle 8. Smoking Near Playgrounds

[\$500] \$1,000

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**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.