



Legislation Text

File #: 19-0476, Version: 0

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

**Introductory\***

**City of Baltimore  
Council Bill**

Introduced by: The Council President  
At the request of: The Administration (Health Department)

A Bill Entitled

An Ordinance concerning  
**Tobacco Distribution - Conforming Modifications**

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

By repealing and re-ordaining, with amendments

Article - Health

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

“Subtitle 12. Unlawful Distribution”

Baltimore City Revised 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 5. Unlawful Distribution [to Minors]**

**§ 12-501. Definitions.**

(a) *In general.*

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

[(b) *Electronic smoking device.*]

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

(b) [(c)] *Distribute.*

"Distribute" means to:

- (1) give away, sell, deliver, dispense, or issue;
- (2) offer to give away, sell, deliver, dispense, or issue; or
- (3) cause or hire any person to:
  - (i) give away, sell, deliver, dispense, or issue; or
  - (ii) offer to give away, sell, deliver, dispense, or issue.

(c) [(d)] *Tobacco product.*

[(1) *In general.*

"Tobacco product" means any substance that contains tobacco.

(2) *Inclusions.*

"Tobacco product" includes any:

- (i) cigarette;
- (ii) cigar;
- (iii) bidi;
- (iv) pipe or other smoking tobacco; or
- (v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.]

"Tobacco product" has the meaning stated in State Health-General Article, \_ 13-1001 {Definitions: Tobacco Product}.

## § 12-502. Unlawful distribution.

(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] an individual under

- the age of 21 years, unless the [minor] individual 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] an individual under the age of 21 years; or
  - (3) distribute to [a minor] an individual under the age of 21 years 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] an individual under the age of 21 years any tobacco product [or electronic smoking device]; or
- (2) buy for or sell or deliver to [a minor] an individual under the age of 21 years any cigarette rolling paper.

**§ 12-503. Exceptions.**

(a) *Published coupon.*

This subtitle 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.

(b) *Identification [as adult] of age.*

A person has not violated this subtitle 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] 21 years old.

(c) *Active duty military.*

A person has not violated this subtitle if:

- (1) the person examined a buyer's or recipient's valid military identification; and
- (2) the identification indicated that the buyer or recipient is:
  - (i) an active duty member of the military; and
  - (ii) at least 18 years old.

**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 date it is enacted.