



Legislation Text

File #: 09-0388, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Conaway

A BILL ENTITLED

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

§ 12-601. DEFINITIONS.

(A) IN GENERAL

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

(B) DISTRIBUTE.

"DISTRIBUTE" MEANS TO:

- (1) SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE DISTRIBUTE;
- (2) OFFER TO SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE DISTRIBUTE; OR
- (3) CAUSE OR HIRE ANY PERSON TO:
 - (I) SELL, DELIVER, DISPENSE, ISSUE, TRANSFER, OR OTHERWISE DISTRIBUTE; OR
 - (II) OFFER TO SELL, DELIVER, DISPENSE, ISSUE, TRANSFER OR OTHERWISE DISTRIBUTE.

(C) FLAVORED TOBACCO WRAPPING.

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

§ 12-602. DISTRIBUTION PROHIBITED

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

§ 12-603. EXCEPTION FOR CERTAIN TOBACCO SHOPS.

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

- (1) DERIVES AT LEAST 75% OF ITS REVENUES, MEASURED BY AVERAGE DAILY RECEIPTS, FROM THE SALE OF NON-CIGARETTE TOBACCO PRODUCTS;
- (2) MAINTAINS FOR SALE AN INVENTORY OF LOOSE TOBACCO PRODUCTS; AND
- (3) PROHIBITS THE ENTRY OF MINORS AT ALL TIMES.

§§ 12-604 TO 12-605. {RESERVED}

§ 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	

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

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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

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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 30th day after the date it is enacted.

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