



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 15-0541, **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 Holton

A BILL ENTITLED

AN ORDINANCE concerning

Flavored Tobacco - No Distribution Within 500 Feet of Schools

FOR the purpose of prohibiting the distribution of flavored tobacco products within 500 feet of any elementary, middle, or secondary school; defining and redefining certain terms; setting certain penalties; clarifying and conforming related provisions; and generally relating to flavored tobacco products.

BY repealing and reordaining, with amendments

Article - Health

Section(s) 12-601, 12-602, and 12-607

Baltimore City Revised Code

(Edition 2000)

BY adding

Article - Health

Section(s) 12-603

Baltimore City Revised Code

(Edition 2000)

BY renumbering, with amendments

Article - Health

Section(s) 12-603 and 12-604

to be

Section(s) 12-604 and 12-605

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article - Health

Section(s) 12-606

Baltimore City Revised Code

(Edition 2000)

BY recaptioning

Article - Health

Title 12. Tobacco Products

Subtitle 6. Flavored Tobacco Wrappings

to be

Title 12. Tobacco Products

Subtitle 6. Flavored Tobacco

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 1. Mayor, City Council, and Municipal Agencies

Section 40-14(e)(7)(◆Subtitle 6. Flavored Tobacco Wrappings◆) and 41-14(6)(◆Subtitle 6.

Flavored Tobacco Wrappings◆)

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 PRODUCT.

◆FLAVORED TOBACCO PRODUCT◆ MEANS ANY PRODUCT CONSTITUTED FROM TOBACCO THAT IS, OR IS HELD OUT TO BE, IMPREGNATED OR SCENTED WITH, OR AGED OR DIPPED IN, OR HAS AS A CONSTITUENT PART (INCLUDING A SMOKE CONSTITUENT) OR ADDITIVE, AN ARTIFICIAL OR NATURAL FLAVOR, ALCOHOLIC LIQUOR, OR AN HERB OR SPICE, INCLUDING MENTHOL, STRAWBERRY, GRAPE, ORANGE, CLOVE, CINNAMON, PINEAPPLE, COCONUT, LICORICE, COCOA, CHERRY, COFFEE, CHOCOLATE, VANILLA, HONEY, OR ANY OTHER FLAVORING AGENT THAT IS A CHARACTERIZING FLAVOR OF THE TOBACCO PRODUCT OR THE TOBACCO SMOKE.

(D) [(c)] Flavored tobacco wrapping.

◆Flavored tobacco wrapping◆ means any cigarette rolling paper or tobacco wrapping leaf or paper constituted from tobacco that is, or is held out to be, impregnated or scented with, or aged or dipped in, or has as a constituent part (including a smoke constituent) or additive, an artificial or natural flavor, alcoholic liquor, or an herb or spice, including MENTHOL, strawberry, grape, orange, clove, cinnamon, pineapple, coconut, licorice, cocoa, cherry, coffee, chocolate, vanilla, honey, or any other flavoring agent that is a characterizing flavor of the tobacco product or the tobacco smoke.

◆ 12-602. [Distribution] FLAVORED TOBACCO WRAPPING DISTRIBUTION prohibited.

No person may distribute for consideration any flavored tobacco wrapping to any other person.

◆ 12-603. FLAVORED TOBACCO DISTRIBUTION PROHIBITED WITHIN 500 FEET OF SCHOOLS.

NO PERSON MAY DISTRIBUTE FOR CONSIDERATION ANY FLAVORED TOBACCO PRODUCT TO ANY OTHER PERSON WITHIN 500 FEET OF ANY PUBLIC OR PRIVATE:

- (1) ELEMENTARY SCHOOL;
- (2) MIDDLE SCHOOL; OR
- (3) SECONDARY SCHOOL.

◆ 12-604 [◆ 12-603.] Exception for certain tobacco shops.

This subtitle does not apply to the distribution of flavored wrapping paper OR FLAVORED TOBACCO

PRODUCTS 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.

◆ 12-605 [◆ 12-604.] Exception for vending machine sales.

This subtitle does not apply to the sale or distribution of tobacco products by A vending [machines] MACHINE THAT COMPLIES WITH ALL REQUIREMENTS OF STATE BUSINESS REGULATION ARTICLE, TITLE 16, SUBTITLE 3A.

◆ 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: \$1,000.

- (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 \$1,000 for each offense.

- (b) Each [wrapper] DISTRIBUTION a separate offense.

Each individual wrapping OR FLAVORED TOBACCO PRODUCT distributed in violation of this subtitle is a separate offense.

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 and Smoking Devices

Subtitle 6: Flavored Tobacco [Wrappings] \$500

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 6: Flavored Tobacco [Wrappings] \$500

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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