



Legislation Details (With Text)

File #: 19-0476 **Version:** 0 **Name:** Tobacco Distribution - Conforming Modifications
Type: Ordinance **Status:** Enacted
File created: 12/16/2019 **In control:** City Council
On agenda: **Final action:** 2/4/2020
Enactment date: **Enactment #:** 20-340

Title: 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.

Sponsors: City Council President (Administration)

Indexes: Conforming, Distribution, Modifications, Tobacco

Code sections:

Attachments: 1. Law 19-0476, 2. Health 19-0476, 3. 19-0476~1st Reader, 4. 19-0476~3rd Reader, 5. 19-0476 Complete Bill File

Date	Ver.	Action By	Action	Result
2/10/2020	0	Mayor	Signed by Mayor	
1/27/2020	0	City Council	Approved and Sent to the Mayor	
1/13/2020	0	City Council	3rd Reader, for final passage	
1/13/2020	0	Health	Recommended Favorably	
12/19/2019	0	The City Council	Refer to City Solicitor	
12/19/2019	0	The City Council	Refer to Dept. of Health	
12/17/2019	0	Health	Recommended Favorably	Pass
12/16/2019	0	Health	Scheduled for a Public Hearing	
12/16/2019	0	City Council	Assigned	
12/16/2019	0	City Council	Introduced	

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.