

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 12

Bill No. 52-15

Mrs. Cathy Bevins, Chair
By Request of County Executive

By the County Council, July 6, 2015

A BILL
ENTITLED

AN ACT concerning

Distribution of Tobacco Products to Minors – Revisions

FOR the purpose of strengthening and clarifying the county's tobacco enforcement law;

providing that the Health Officer shall issue a citation for a first violation of the

prohibition on distribution to minors; ~~repealing the calendar year limitation on~~

~~enforcement~~; making this Act an emergency measure; and generally relating to revising

county law on the distribution of tobacco products to minors.

By repealing and reenacting, without amendments

Section 13-12-105(e)(4)

Article 13. Public Health, Safety and the Environment

Baltimore County Code, 2003

By repealing and reenacting, with amendments

Section 13-12-105(a) and (e)(2), and (3)(i)

Article 13. Public Health, Safety and the Environment

Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3
4 Article 13. Public Health, Safety and the Environment

5 **§ 13-12-105.**

6 (a) (1) An owner who violates the distribution to minors provisions of § 13-12-103 of this title
7 [or the product placement provisions of § 13-12-104 of this title] in any calendar year} is subject
8 to a civil penalty as follows:

9 (i) \$500 for a first violation;

10 (ii) \$1,000 for a second violation; and

11 (iii) \$1,500 or suspension of all tobacco sales for one month or both for a third or
12 subsequent violation.

13 (2) AN OWNER WHO VIOLATES THE PRODUCT PLACEMENT PROVISIONS OF
14 § 13-12-104 OF THIS TITLE IN ANY CALENDAR YEAR IS SUBJECT TO A
15 CORRECTION NOTICE FOR A FIRST VIOLATION AND THEREAFTER A CIVIL
16 PENALTY AS FOLLOWS:

17 (I) \$500 FOR A SECOND VIOLATION;

18 (II) \$1,000 FOR THIRD VIOLATION; AND

19 (III) \$1,500 FOR A FOURTH OR SUBSEQUENT VIOLATION.

20 [(2)] (3) An owner who violates the identification check provisions of § 13-12-103.1 of this
21 title {in any calendar year} is subject to a [written warning] CORRECTION NOTICE for a first
22 violation and thereafter a civil penalty as follows:

- 1 (i) \$100 for a second violation; and
- 2 (ii) \$250 for a third or subsequent violation.

3 [(3)] (4) An owner is liable for violation of this title committed by an employee or agent of
4 the owner.

5 (e)(2) (i) [If] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IF
6 an owner or an employee or agent of the owner violates [a provision] § 13-12-103.1 OR § 13-12-
7 104 of this title, the Health Officer [may] SHALL issue a correction notice to the owner.

8 (ii) If the correction notice is for a violation of the product placement provisions of § 13-
9 12-104 of this title, the correction notice shall instruct the owner to comply with those provisions
10 within an amount of time required by the Health Officer.

11 (iii) If the correction notice is for a violation of [the distribution to minors provisions of §
12 13-12-103 of this title or the] identification check provisions of § 13-12-103.1 of this title, the
13 correction notice shall instruct the owner to:

- 14 1. Cease and desist from such violations; and
- 15 2. Ensure that the owner's employees and agents cease and desist from such violations.

16 (iv) The Health Officer shall post the correction notice on the property, send the
17 correction notice by first class mail, or hand deliver the correction notice to the owner.

18 (v) An owner may not appeal the issuance of a correction notice.

19 (3) (i) [If the owner] THE HEALTH OFFICER SHALL ISSUE A CITATION TO AN
20 OWNER:

21 1. IF THE OWNER fails to correct the product placement violation within the
22 time required by the correction [notice] NOTICE; [or]

1 2. IF [if] there is a subsequent violation of the [distribution to minors or]
2 identification check provisions at the location for which a correction notice was issued[, the
3 Health Officer may issue a citation to the owner]; OR

4 3. FOR A VIOLATION OF THE DISTRIBUTION TO MINORS PROHIBITION
5 UNDER § 13-12-103 OF THIS TITLE.

6 (4) The Health Officer is not required to issue a correction notice to the owner before
7 issuing a citation if the Health Officer has already issued a previous citation for the same
8 violation in the same location.

9
10 SECTION 2. AND BE IT FURTHER ENACTED, that, in accordance with § 308 of the
11 Baltimore County Charter, this Act shall be considered an emergency measure affecting the
12 public health, safety or welfare and shall take effect on the date of its enactment.