

Sec. 12.1300. - Definitions.

In this subtitle the following words have the meanings indicated:

- (a) *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 give away, sell, deliver, dispense, or issue or offer to give away, sell, deliver, dispense, or issue.
- (b) *Electronic smoking device*.
 - (1) *Electronic smoking device* means a device that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device.
 - (2) "Electronic smoking device" includes:
 - (i) An electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and
 - (ii) Any component, part, or accessory of such a device regardless of whether or not it is sold separately, including any substance intended to be aerosolized or vaporized during use of the device.
 - (3) "Electronic smoking device" does not include a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.
- (c) *Employee* means an individual employed by an owner.
- (d) *Owner* means a person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes.
- (e) *Tobacco product* shall have the meaning set forth in subtitle 1 of title 10 of the Criminal Law Article of the Maryland Annotated Code. As included in section 10-101 of the Criminal Law Article of the Annotated Code of Maryland, a tobacco product includes an electronic smoking device.

Sec. 12.1301. - Unlawful distribution.

- (a) A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes shall not:
 - (1) Distribute any tobacco product to an individual under the age of 21 years, unless the individual is acting solely as the agent of the individual's employer who is engaged in the business of distributing tobacco products;
 - (2) Distribute cigarette rolling papers to an individual under the age of 21 years; or
 - (3) Distribute to an individual under the age of 21 years a coupon redeemable for any tobacco product.
- (b) A person, who is not a person described under subsection (a) of this section, shall not:
 - (1) Buy for or sell to an individual under the age of 21 years any tobacco product; or
 - (2) Buy for or sell to an individual under the age of 21 years cigarette rolling papers.

- (c) In accordance with section 10-107 of the Criminal Law Article of the Annotated Code of Maryland, the provisions of subsection (a) and (b) of this section do not apply to a person who distributes tobacco products to an individual under 21 years who is:
 - (1) Is at least 18 years of age;
 - (2) Is an active duty member of the military; and
 - (3) Presents a valid military identification.
- (d) This section does not apply to the distribution of a coupon which is redeemable for any tobacco product when the coupon is contained in a newspaper, a magazine, or any other type of publication in which the coupon is incidental to the primary purpose of the publication, or sent through the mail.
- (e) A person has not violated this section if:
 - (1) The person examined a driver's license or another valid identification issued by a government entity; and
 - (2) The license or valid identification issued by a government entity identified the buyer or recipient of a tobacco product as being at least 21 years old.
- (f) If an individual under the age of 21 years bought a tobacco product from a vending machine, this section does not apply to the owner of the vending machine or any other person with control over the vending machine.

Sec. 12.1302. - Enforcement and penalties.

- (a) This subtitle shall be enforced by the Health Officer.
- (b) A person who believes that a violation of this subtitle has occurred may file a complaint with the Health Officer.
- (c) An owner and/or employee who violates subsection 12.1301(a) of this subtitle is subject to a civil penalty not exceeding:
 - (1) Up to \$500.00 for a first violation;
 - (2) Up to \$1,000.00 for a second or each subsequent violation occurring within 24 months after the prior violation.
- (d) For the purposes of this section, a subsequent violation means a separate and distinct action at a different time and occasion.