

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2008 Legislative Session

Bill No. CB-47-2008

Chapter No. 59

Proposed and Presented by Council Member Dean

Introduced by Council Members Dean, Campos, Exum, Bland and Harrison

Co-Sponsors _____

Date of Introduction October 21, 2008

BILL

1 AN ACT concerning

2 The Prohibition of the Sale, Offer or Distribution of
3 Certain Cigar Products

4 For the purpose of prohibiting the sale, offer or distribution of cigar and cigar products, intended
5 for use, or designed for use, in ingesting, inhaling, or otherwise introducing marihuana, cocaine,
6 hashish, or hashish oil into the human body, to minors and in less than packages of five.

7 BY repealing and reenacting:

8 SUBTITLE 12. HEALTH

9 Sections 12-201 and 12-204,

10 SUBTITLE 14. MORALS AND CONDUCT.

11 Sections 14-151 and 14-155.01,

12 The Prince George's County Code

13 (2003 Edition, 2006 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 12-201,12-204, 14-151 and 14-155.01 of the Prince George's County
16 Code be and the same are hereby repealed and reenacted with the following amendments:

17 **SUBTITLE 12. HEALTH.**

18 **DIVISION 9. ENVIRONMENTAL HEALTH**

19 **Sec. 12-201. Definitions.**

20 (a) In this Division the following words have the meanings indicated.

21 * * * * *

1 (5) **Tobacco product** means any substance containing tobacco, including cigarettes,
2 cigars, cigar products, including but not limited to tiparillo, cigarillo, cigar leaf wrapper, flavored
3 cigars known as “blunts”, unflavored “blunts”, flavored or unflavored blunt wraps, smoking
4 tobacco, snuff, or smokeless tobacco.

5 * * * * *

6 (7) **Unpackaged cigars** means any cigar or cigar product not contained within a
7 sealed package of at least five (5) cigars or cigar products.

8 * * * * *

9 **Sec. 12-204. Sale of Unpackaged Cigarettes and Cigars Prohibited.**

10 (a) Notwithstanding any other provision of law, a retailer, [or] wholesaler, or their
11 agent or employee may not purchase unpackaged cigarettes or unpackaged cigars from a tobacco
12 manufacturer or sell, resell, distribute, dispense or give away unpackaged cigarettes or
13 unpackaged cigars to any person.

14 (b) Subsection (a) of the Section shall not apply to a retail or commercial business
15 that is a sole proprietorship, limited liability company, corporation, partnership, or other
16 enterprise, in which:

17 (i) (A) The primary activity is the retail sale of tobacco products and
18 accessories; and

19 (B) The sale of other products is incidental, or

20 (ii) The premises are restricted primarily to adults only, such as a fraternal
21 organization, veterans organization, golf club, bar or restaurant.

22 * * * * *

23 **SUBTITLE 14. MORALS AND CONDUCT.**

24 **DIVISION 9. DRUG PARAPHERNALIA.**

25 **Sec. 14.151. Definitions**

26 (a) For the purpose of this Section:

27 (1) **Controlled dangerous substance** means any drug, substance, or immediate
28 precursor listed in [Article 27, Section 279,] Subtitle 5 of the Criminal Law Article, Annotated
29 Code of Maryland, including any future amendments thereto. The term shall not include distilled
30 spirits, wine, malt beverages, or tobacco as those are set in Article 2B, Annotated Code of
31 Maryland.

1 (2) **Drug Paraphernalia** means all equipment, products, and materials of any kind
2 which are intended for use, or designed for use, in planting, propagating, cultivating, growing,
3 harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing,
4 analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling,
5 or otherwise introducing into the human body a controlled dangerous substance in violation of
6 [Subheading Health-Controlled Dangerous Substances, Article 27] Subtitle 5 of the Criminal
7 Law Article, Annotated Code of Maryland. It includes but is not limited to:

8 * * * * *

9 (L) Objects intended for use, or designed for use, in ingesting, inhaling, or
10 otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body such as:

11 * * * * *

12 (xiv) Cigarette rolling papers, cigar products and blunts, as defined by
13 Section 14-155.01 of this division.

14 * * * * *

15 (3) In determining whether an object is drug paraphernalia, a court or other authority
16 shall consider, in addition to all other logically relevant factors, the following:

17 * * * * *

18 (C) The proximity of the object, in time and space, to a direct violation of
19 [Subheading Health-Controlled Dangerous Substances, Article 27] Subtitle 5 of the Criminal
20 Law Article, Annotated Code of Maryland;

21 * * * * *

22 (F) Direct or circumstantial evidence of the intent of an owner, or of anyone in
23 control of the object, to deliver it to persons whom he knows, or should reasonably know, intend
24 to use the object to facilitate a violation of [Subheading Health-Controlled Dangerous
25 Substances, Article 27] Subtitle 5 of the Criminal Law Article, Annotated Code of Maryland; the
26 innocence of an owner, or of anyone in control of the object, as to a direct violation of
27 [Subheading Health-Controlled Dangerous Substances, Article 27] Subtitle 5 of the Criminal
28 Law Article, Annotated Code of Maryland, shall not prevent a finding that the object is intended
29 for use, or designed for use, as drug paraphernalia;

30 * * * * *

31 (4) The definitions contained in [Article 27, Subsection 277] Subtitle 5 of the Criminal

1 Law Article, Annotated Code of Maryland, including any future amendments thereto, are
2 adopted and incorporated by reference and have the same force and effect as if set out in full in
3 this Division.

4 * * * * *

5 **Sec. 14-155.01. Cigarette rolling papers, cigar products and blunts**

6 (a) For the purpose of this Section:

7 * * * * *

8 **(3) Cigar products and blunts** means a cigar, tiparillo, cigarillo, cigar leaf wrapper,
9 flavored cigars known as “blunts”, unflavored “blunts”, flavored or unflavored blunt wraps or
10 other tobacco product as determined by a court or other authority under Section 14-151 (a)(3) to
11 be drug paraphernalia, except the term “other tobacco product” shall not include a package of
12 loose tobacco, snuff, chewing tobacco, dipping tobacco or pipe tobacco, where the package is
13 provided by the manufacturer, importer or packager.

14 (b) It is unlawful for any person or his agent or employee to sell, offer, offer for sale, give
15 or distribute without charge cigarette rolling papers, cigar products and blunts to any person
16 under the age of eighteen (18) years.

17 * * * * *

18 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
19 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
20 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
21 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
22 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
23 Act, since the same would have been enacted without the incorporation in this Act of any such
24 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

25 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
26 calendar days after it becomes law.

27 Adopted this 18th day of November , 2008.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.