

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2009 Legislative Session**

Bill No. CB-6-2009

Chapter No. 4

Proposed and Presented by Council Member Dean

Introduced by Council Members Dean, Harrison, Bland and Knotts

Co-Sponsors \_\_\_\_\_

Date of Introduction March 17, 2009

**BILL**

1 AN ACT concerning

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

3 For the purpose of amending the provisions of the County Code prohibiting the sale, offer or  
4 distribution of cigar and cigar products intended for or designed for use in ingesting, inhaling or  
5 otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body to minors  
6 and in quantities fewer than packages of five.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 12. HEALTH.

9 Sections 12-201 and 12-204,

10 The Prince George's County Code

11 (2007 Edition, 2008 Supplement).

12 SUBTITLE 14. MORALS AND CONDUCT

13 Sections 14-151 AND 14-155.01,

14 The Prince George's County Code

15 (2007 Edition, 2008 Supplement).

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18 Code be and the same are hereby repealed and reenacted with the following amendments:

19 **SUBTITLE 12. HEALTH.**

20 **DIVISION 9. ENVIRONMENTAL HEALTH.**

21 **Sec. 12-201. Definitions.**

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

2 (1) **Distribute** means to:

3 (A) Give away, sell, [deliver,] dispense, or issue; or

4 (B) Offer to give away, sell, [deliver,] dispense, or issue; or

5 (C) Cause or hire any person to give away, sell, [deliver,] dispense, or issue or  
6 offer to give away, sell, [deliver,] dispense, or issue.

7 \* \* \* \* \*

8 (4) **Original Package** means the pack, box, carton, or other container of cigarettes or  
9 cigars that was used by their manufacturer for packaging the cigarettes or cigars and is intended  
10 for ultimate sale or other distribution to consumers as a packaged unit and not to be broken for  
11 distribution or individual sale of cigarettes or cigars.

12 [(4)] (5) **Owner** means a person engaged in the business of selling or otherwise  
13 distributing tobacco products for commercial purposes.

14 [(5)] (6) **Tobacco product** means any substance containing tobacco, including  
15 cigarettes, cigars, cigar products, including but not limited to tiparillo, cigarillo, cigar leaf  
16 wrapper, flavored cigars known as “blunts”, unflavored “blunts”, flavored or unflavored blunt  
17 wraps, smoking tobacco, snuff, or smokeless tobacco.

18 [(6)] (7) **Unpackaged cigarettes** means any cigarette not contained within a sealed  
19 original package of at least twenty (20) cigarettes that are designed and intended to be sold or  
20 distributed as a unit.

21 [(7)] (8) **Unpackaged cigars** means any cigar or cigar product not contained within a  
22 sealed original package of at least five (5) cigars or cigar products.

23 \* \* \* \* \*

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

25 (a) Notwithstanding any other provision of law, a retailer, wholesaler, or their agent or  
26 employee may not purchase unpackaged cigarettes or unpackaged cigars from a tobacco  
27 manufacturer or sell, resell, distribute, dispense or give away unpackaged cigarettes or  
28 unpackaged cigars to any person.

29 [(b) Subsection (a) of the Section shall not apply to a retail or commercial business that is a  
30 sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in  
31 which:]

1 [(i) (A) The primary activity is the retail sale of tobacco products and accessories;  
2 and]

3 [(B) The sale of other products is incidental, or]

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

6 (b) Subsection (a) of the Section shall have the following exceptions:

7 (1) This section does not apply to the sale or other distribution of any cigar that,  
8 subject to adjustment under paragraph (i) of this subsection, has a wholesale price of more than  
9 \$2.00 or a retail price of more than \$2.50.

10 (i) By rule or regulation, the County Council may adjust from time to time the  
11 amounts specified in subparagraph (1) of this paragraph to reflect changes in the applicable  
12 Consumer Price Index.

13 (2) This section does not apply to the sale or other distribution of any cigar by and on  
14 the premises of a retail tobacco establishment that:

15 (i) Derives at least 75% of its revenues, measured by average daily receipts,  
16 from the sale of non-cigarette tobacco products; and

17 (ii) Prohibits the entry of minors at all times.

18 (3) This section does not apply to the sale or other distribution of cigars if the sale or  
19 other distribution is:

20 (i) Made by one person engaged in the business of distributing cigars to another  
21 person engaged in the business of distributing cigars; and

22 (ii) For the purpose of reselling or otherwise redistributing the cigars outside of  
23 the County.

24 \* \* \* \* \*

25 **SUBTITLE 14. MORALS AND CONDUCT.**

26 **DIVISION 9. DRUG PARAPHERNALIA.**

27 **Sec. 14.151. Definitions.**

28 (a) For the purpose of this Section:

29 \* \* \* \* \*

30 (2) **Drug Paraphernalia** means all equipment, products, and materials of any kind  
31 which are intended for use, or designed for use, in planting, propagating, cultivating, growing,

1 harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing,  
2 analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling,  
3 or otherwise introducing into the human body a controlled dangerous substance in violation of  
4 Subtitle 5 of the Criminal Law Article, Annotated Code of Maryland. It includes but is not  
5 limited to:

6 \* \* \* \* \*

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

9 \* \* \* \* \*

10 (xiv) Cigarette rolling papers, [cigar products and blunts,] as defined by  
11 Section 14-155.01 of this division.

12 \* \* \* \* \*

13 **Sec. 14-155.01. Cigarette rolling paper[, cigar products and blunts]**

14 (a) For the purpose of this Section:

15 \* \* \* \* \*

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

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

25 \* \* \* \* \*

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

1 | invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.  
2 | SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
3 | calendar days after it becomes law.

Adopted this 7<sup>th</sup> day of April, 2009.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Marilynn M. Bland  
Chairperson

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.