

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2004 Legislative Session

Bill No. CB-73-2004

Chapter No. 52

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Knotts, Harrington, Dernoga, Dean, Exum, Peters and Bland

Co-Sponsors _____

Date of Introduction September 28, 2004

BILL

1 AN ACT concerning

2 Cigarette Sales

3 For the purpose of prohibiting sales of unpackaged cigarettes.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 12. HEALTH

6 Sections 12-201, 12-204

7 The Prince George's County Code

8 (1999 Edition, 2002 Supplement).

9 BY adding:

10 SUBTITLE 12. HEALTH

11 Sections 12-205

12 The Prince George's County Code

13 (1999 Edition, 2002 Supplement).

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16 are hereby repealed and reenacted with the following amendments:

SUBTITLE 12. HEALTH.

DIVISION 9. ENVIROMENTAL HEALTH.

Sec. 12-201. Definitions.

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

21 * * * * *

(6) Unpackaged cigarettes means any cigarette not contained within a sealed package of at least 20 cigarettes that are designed and intended to be sold or distributed as a unit.

* * * * *

Sec. 12-204. [Enforcement and penalties.] Sale of Unpackaged Cigarettes Prohibited.

(a) This Division shall be enforced by the Health Officer or Health Officer's designee. The Health Officer or designee may issue a citation to any person who violates Sections 12-202 or 12-203 of this Division. The citation shall serve as notification to the person that a civil violation has been committed and in accordance with the provisions of Division 3, Subtitle 28 of this Code shall be subject to the monetary civil fine as provided in Subsection (b) & (c) of this Section, subject to his right to elect to stand trial pursuant to Section 28-257 of this Code.

(b) An owner who violates this Division is subject to a civil penalty of not more than \$300.00 for the first violation and not more than \$1,000.00 for subsequent violations.

(c) An employee who violates this Division is subject to a civil penalty of not more than \$50.00 for the first violation and not more than \$100.00 for subsequent violations.

(d) For the purposes of this Division, subsequent violation means a separate and distinct incident at a different time and occasion.]

Notwithstanding any other provision of law, a retailer or wholesaler may not purchase unpackaged cigarettes from a tobacco manufacturer or sell, resell, distribute, dispense or give away unpackaged cigarettes to any person.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 12-205 of the Prince George's County Code be and the same is hereby added:

Sec. 12-205. Enforcement and penalties.

(a) This Division shall be enforced by the Health Officer or Health Officer's designee. The Health Officer or designee may issue a citation to any person who violates Sections 12-202, 12-203 or 12-204 of this Division. The citation shall serve as notification to the person that a civil violation has been committed and in accordance with the provisions of Division 3, Subtitle 28 of this Code shall be subject to the monetary civil fine as provided in Subsection (b) & (c) of this Section, subject to his right to elect to stand trial pursuant to Section 28-257 of this Code.

(b) An owner who violates this Division is subject to a civil penalty of not more than \$300.00 for the first violation and not more than \$1,000.00 for subsequent violations.

1 (c) An employee who violates this Division is subject to a civil penalty of not more than
 2 \$50.00 for the first violation and not more than \$100.00 for subsequent violations.

3 (d) For the purposes of this Division, subsequent violation means a separate and distinct
 4 incident at a different time and occasion.

5 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 6 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 7 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 10 Act, since the same would have been enacted without the incorporation in this Act of any such
 11 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 26th day of October, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
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.