



JUVENILES & TOBACCO PRODUCTS

INDEX CODE: 1706
EFFECTIVE DATE: 12-24-08

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I. DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS

Criminal Law Article 10-107

A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16 of the Business Regulation Article, may not distribute to a minor: a tobacco product, tobacco paraphernalia, or a coupon redeemable for a tobacco product (unless the coupon is contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication.)

Note: This section of the law does not apply to the distribution of a tobacco product or tobacco paraphernalia to a minor who is acting solely as the agent of the minor's employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes.

Any other person, not described above, may not purchase for or sell a tobacco product to a minor, or distribute tobacco paraphernalia to a minor.

A person who violates this law is guilty of a misdemeanor (criminal, not civil) offense and upon conviction is subject to a fine not exceeding \$300 for a first offense, \$1,000 for second offense occurring within 2 years after the first violation, and \$3,000 for each subsequent violation occurring within 2 years after the preceding violation. Each separate incident at a different time and occasion is a violation.

II. POSSESSION OF TOBACCO PRODUCTS BY MINORS

Criminal Law Article 10-108

No minor may use or possess any tobacco product or cigarette rolling paper. No minor may use any false identification, or identification that is not the minor's own, to obtain or attempt to obtain tobacco products or cigarette rolling papers.

Note: This section does not apply to the possession of a tobacco product or cigarette rolling paper by a minor who is acting as the agent of the minor's employer within the scope of employment.

Violations of this law are civil offenses. Officers should charge violators on the Maryland Juvenile Civil Citation according to normal procedures. Check the first box on the Juvenile Civil Citation and fill in the address to the Department of Juvenile Services (1623 Forest Drive). Set the informal hearing date according to the Juvenile Citation schedule (or refer to Index Code 1703, Section IV.) The court may impose a fine of not more than \$25 for the first offense; not more than \$100 for a second or subsequent offense; or participation in a work program.

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III. RESPONSE TO ANNE ARUNDEL COUNTY SCHOOLS

Anne Arundel County school authorities will handle the first two violations of these laws by any individual student. Officers will be called to handle the third and subsequent violations committed by any student.

Citations issued to students at the request of school authorities will be written as if the violation was the student's first violation.

IV. PROPONENT UNIT: Juvenile-Victim/Witness Assistance Section.

V. CANCELLATION: This directive cancels Index Code 1706, dated 07-10-06.