










Tobacco Product Placement: Local Ordinances (MD)


Jurisdiction	Ordinance	Provisions	Penalty	Civil Enforcement
COUNTIES				
Baltimore City	BALTIMORE CITY HEALTH CODE §12-402-07	§ 12-402. <i>Placement requirements — In general.</i> (a) <i>Prohibited placement.</i> Except as otherwise specified in this subtitle, no establishment that sells tobacco products at retail may display, store, or place any tobacco product anywhere that is accessible to customers without the intervention of the seller or an employee of the seller.	§ 12-407. <i>Penalties: \$500</i> (a) <i>In general.</i> Any owner, operator, or manager of an establishment that violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense (b) <i>Each day a separate offense.</i> Each day that a violation continues is a separate offense.	✓
Baltimore County	BALTIMORE COUNTY CODE § 13-12-104-05	§ 13-12-104. <i>Placement of Tobacco Products.</i> (a) <i>Accessibility.</i> Any person who owns or operates a business that engages in the retail sale of a tobacco product may not store or display tobacco products unless such products:	§ 13-12-105. <i>Penalties and Enforcement.</i> (a) <i>Penalty for owners.</i> (1) An owner who violates any provision of this title is subject to a civil penalty of \$300 for the first violation and \$500 for any subsequent violations.	✓


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		<p>(1) Are not immediately accessible to customers; and</p> <p>(2) Are accessible only to the owner or operator of the business or an agent or employee of the owner or operator.</p> <p>(b) <i>Exception.</i> This section does not apply to a tobacconist establishment that engages primarily in the sale of tobacco products other than cigarettes, as defined in § 16-101 of the Business Regulation Article of the Maryland Annotated Code, which posts a sign at each entrance stating that the establishment is adults only.</p>	<p>(2) An owner is liable for violation of this title committed by an employee or agent of the owner.</p> <p>(b) <i>Penalty for others.</i> Any other person who violates any provision of this article is subject to a civil penalty of \$50 for the first violation and \$100 for any subsequent violations.</p> <p>(c) <i>Separate offenses.</i> For purposes of this section, each separate incident at a different time and occasion is a violation.</p> <p>(d) <i>Enforcement.</i> The Baltimore County Department of Health may adopt reasonable regulations, in accordance with the provisions of Article 3, Title 7 of the Code, to carry out the purposes of this title.</p>	
Carroll	MD. CODE ANN. LOCAL GOVT. §1-1202	<p>§ 1-1202. <i>Display of tobacco products</i></p> <p>(b) Application of section. -- This section does not apply to:</p> <p>(1) the sale of a tobacco product from a vending machine that complies with State law;</p> <p>(2) a tobacconist establishment that engages primarily in the sale of tobacco products other than cigarettes, as defined in § 16-101 of the Business Regulation Article; or</p> <p>(3) a business that engages primarily in the retail sale of beer, wine, and liquor.</p> <p>(c) Prohibition. -- A person who owns or operates a business that engages in the retail sale of a tobacco product may not store or display a tobacco product unless the tobacco product:</p> <p>(1) is not immediately accessible to customers; and</p> <p>(2) is accessible only to the owner or operator of the business or an agent of the owner or operator.</p>	<p>§1-1202 <i>Civil Penalty</i></p> <p>(d) Civil penalty. -- A person who violates subsection (c) of this section commits a civil infraction and is subject to a civil penalty of:</p> <p>(1) \$ 100 for the first violation; and</p> <p>(2) \$ 300 for any subsequent violation.</p> <p>(e) Second citation. -- A citation for a second violation may not be issued within 30 days after the date of the first citation.</p> <p>(f) Additional citations. -- After a citation is issued for a second violation, a citation may be issued each day that the violation continues after the date of the second citation.</p>	

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Charles	CHARLES COUNTY CODE §127-3; §127-6	<p>§127-3 <i>Placement of Tobacco Products by Retail Sellers</i></p> <p>A retail seller of tobacco products shall not display or store the product in any place that is accessible to buyers of the product without the intervention of the seller or an employee of the seller. Violation of the provisions of this article shall be a civil infraction subject to the penalties provided herein.</p>	<p>§127-6 <i>Violations and Penalties.</i></p> <p>Any person who violates any provision of this article shall be guilty of a civil infraction and shall be punished as follows:</p> <p>A. For the first and second violation, upon a written acknowledgment of the violation by the retail seller, representatives of the Charles County Department of Health shall provide information concerning the requirements of this subsection and issue a written warning. A subsequent violation shall be treated as a first offense.</p> <p>B. All violations other than those disposed of pursuant to the above subsection shall be punished by a fine in accordance with the following schedule:</p> <p>(1) For a first offense: \$100. (2) For a second offense: \$200. (3) For a third or subsequent offense: \$300.</p>	
Garrett	MD. CODE ANN. LOCAL GOVT. §1-1202	<p>§ 1-1202. <i>Display of tobacco products</i></p> <p>(b) Application of section. -- This section does not apply to:</p> <p>(1) the sale of a tobacco product from a vending machine that complies with State law;</p> <p>(2) a tobacconist establishment that engages primarily in the sale of tobacco products other than cigarettes, as defined in § 16-101 of the Business Regulation Article; or</p> <p>(3) a business that engages primarily in the retail sale of beer, wine, and liquor.</p> <p>(c) Prohibition. -- A person who owns or operates a business that engages in the retail sale of a tobacco product may not store or display a tobacco product unless the tobacco product:</p> <p>(1) is not immediately accessible to customers;</p>	<p>§1-1202 <i>Civil Penalty</i></p> <p>(d) Civil penalty. -- A person who violates subsection (c) of this section commits a civil infraction and is subject to a civil penalty of:</p> <p>(1) \$ 100 for the first violation; and</p> <p>(2) \$ 300 for any subsequent violation.</p> <p>(e) Second citation. -- A citation for a second violation may not be issued within 30 days after the date of the first citation.</p> <p>(f) Additional citations. -- After a citation is issued for a second violation, a citation may be issued each day that the violation continues after the date of the second citation.</p>	

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		and (2) is accessible only to the owner or operator of the business or an agent of the owner or operator.		
Howard	HOWARD COUNTY CODE § 12-1201-03	<p>§12-1201 <i>Placement of tobacco products.</i></p> <p>(a) A retail seller of any tobacco product must not display or store the product in any place that is accessible to buyers of the product without the intervention of the seller or an employee of the seller.</p> <p>(b) Tobacco product means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff or smokeless tobacco.</p> <p>(c) This section does not apply to:</p> <p>(1) The sale of any tobacco product from a vending machine that complies with all requirements of State law; and (2) Any store where only or primarily tobacco products are sold.</p>	<p>Sec. 12.1203. <i>Penalties .</i></p> <p>(a) It shall be unlawful for a person to store or display tobacco products in a retail establishment if not in compliance with the provisions of this subtitle.</p> <p>(b) A violation of this subtitle is a civil offense and is subject to a penalty based on the following schedule and costs:</p> <p>First Offense: \$250.00 fine imposed on offender and offender is given two weeks to comply with the provisions of this subtitle before being subject to a fine for a second offense</p> <p>Second Offense: 500.00 fine imposed on offender</p> <p>Third Offense: 750.00 fine imposed on offender</p> <p>Fourth Offense: 1,000.00 fine imposed on offender</p>	
Kent	KENT COUNTY CODE, CH. 156-3-4	<p>§ 156-3 <i>Storage and display of tobacco products.</i></p> <p>A. An owner shall store or display tobacco products such that the product is out of reach of all consumers and in a location accessible only to the owner or the owner's agent.</p> <p>B. This section does not apply to:</p> <p>(1) The location of a tobacco vending machine that complies with all requirements of state law; and</p> <p>(2) A tobacconist establishment that engages primarily in the sale of tobacco products other than cigarettes as the term cigarette is defined in § 16-101 of the Business Regulations Article of the Maryland Annotated Code.</p>	<p>§ 156-4. <i>Enforcement and Penalties</i></p> <p>(a) A Person violating this chapter shall be guilty of a civil violation and subject to a civil fine as provided in subsections (c), (d) and (e) of this Section.</p> <p>(b) This chapter shall be enforced by the health officer or the health officer's designee. The health officer or the health officer's designee may issue a citation to any person who violates sections 156-2 or 156-3 of this Chapter.</p> <p>...</p> <p>(e) An owner who violates § 156-3 is subject to a civil penalty of \$100 for the first violation and \$300 for subsequent violations. A citation for a second infraction of § 156-3 may be issued no sooner than</p>	

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			<p>30 days after the initial citation. A citation for a third or later infraction of § 156-3 may be issued each day the violation continues after the date of the second citation.</p> <p>(f) For purposes of this chapter, "subsequent violation" means a separate and distinct incident at a different time and occasion.</p>	
Montgomery	HEALTH GENERAL ARTICLE, §24-9D	<p>§24-9D <i>Tobacco Products—Placement</i></p> <p>(a) A retail seller of any tobacco product must not display or store the product in any place that is accessible to buyers of the product without the intervention of the seller or an employee of the seller.</p> <p>(b) Tobacco product means any substance containing tobacco, including cigarette, cigars, smoking tobacco, snuff, or smokeless tobacco.</p> <p>(c) This Section does not apply to:</p> <p>(1) the sale of any tobacco product from a vending machine that complies with all requirements of state law; and</p> <p>(2) any store where only or primarily tobacco products are sold.</p>	<p>§1-19 Fines and Penalties</p> <p>If no penalty is specified for taking any action prohibited by County law or failing to take any action required by County law, that action or failure to act is a Class A violation (\$500 for first offense; \$750 for subsequent offense)</p>	
Prince George's	HEALTH ARTICLE, §12-203; §12-205	<p>§12-203. <i>Placement of tobacco products.</i></p> <p>(a) An owner shall display or store the tobacco product in a manner which by the design demonstrates the owner's intent that the tobacco product is inaccessible to the buyer without the intervention of the owner or the owner's agent.</p>	<p>Sec. 12-205. <i>Enforcement and penalties.</i></p> <p>(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</p>	

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			<p>in Subsections (b) and (c) of this Section, subject to his right to elect to stand trial pursuant to Section 28-257 of this Code.</p> <p>(b) An owner who violates this Division is subject to a civil penalty of not more than Three Hundred Dollars (\$300.00) for the first violation and not more than One Thousand Dollars (\$1,000.00) for subsequent violations.</p> <p>(c) An employee who violates this Division is subject to a civil penalty of not more than Fifty Dollars (\$50.00) for the first violation and not more than One Hundred Dollars (\$100.00) for subsequent violations.</p> <p>(d) For the purposes of this Division, subsequent violation means a separate and distinct incident at a different time and occasion.</p>	
Talbot	TALBOT COUNTY CODE § 159-13	<p>§159-13 <i>Placement of Tobacco Products; definitions; exceptions</i></p> <p>A. A retail seller of tobacco products shall not display or store the product in any place that is accessible to buyers of the product without the intervention of the seller or an employee of the seller. Violation of the provisions of this article shall be a civil infraction subject to the penalties provided herein.</p> <p>B. "Tobacco product" means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.</p> <p>C. "Retail seller" means the owner or proprietor of the business establishment.</p> <p>D. This section does not apply to: (1) The sale of any tobacco product from a vending machine that complies with all requirements of state law; or (2) Any store where only tobacco products are sold</p>	<p>§159-15 <i>Violations and Penalties</i></p> <p>Any person who violates any provision of this article shall be guilty of a civil infraction and shall be punished as follows:</p> <p>A. For a first and second violation, upon a written acknowledgement of the violation by the retail seller, representatives of the Talbot County Health Department shall provide information concerning the requirements of this article and issue a written warning. A subsequent violation shall be treated as a first offense.</p> <p>B. All violations other than those disposed of pursuant to the above § 23-24A(1) shall be punished by a fine in accordance with the following schedule:</p> <p>(1) For a first offense: \$100;</p> <p>(2) For a second offense: \$200;</p> <p>(3) For a third or subsequent offense: \$300.</p>	

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		either exclusively or primarily.		
Wicomico	WICOMICO COUNTY CODE §135-10-12	<p>§135-10 <i>Placement of tobacco products.</i></p> <p>A. A retail seller of tobacco product shall not display or store the product in any place that is accessible to buyers of the product without the intervention of the seller or an employee of the seller.</p> <p>B. "Tobacco product" means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.</p> <p>C. "Retail seller" or "seller" means the owner or proprietor of the business establishment.</p> <p>D. This section does not apply to:</p> <p>(1) The sale of any tobacco product from a vending machine that complies with all requirements of state law; or</p> <p>(2) Any store where only or primarily tobacco products are sold.</p> <p>(3) The sale of tobacco product from a humidor clearly marked "no access or sales to minors."</p>	<p>§135-12 <i>Penalties</i></p> <p>Any person who violates any provision of this article shall be guilty of a civil infraction, and shall be penalized subject to the following schedule:</p> <p>A. For a first violation, the Wicomico County Health Department Tobacco Program Coordinator shall issue a written warning providing the retail seller two weeks to comply with the provisions of this article before being subject to a fine. A subsequent violation shall be treated as a first offense.</p> <p>B. All violations other than those disposed of pursuant to § 135-12A shall be punished by a fine in accordance with the following schedule:</p> <p>(1) First offense: fine of \$250.</p> <p>(2) Second offense: fine of \$500.</p> <p>(3) Third offense: fine of \$750.</p> <p>(4) Fourth or subsequent offense: fine of \$1,000.</p> <p>C. Each day a violation continues may constitute a separate offense.</p>	
MUNICIPALITIES				
City of Bowie	CITY OF BOWIE CODE §11-4-5	<p>(e) <i>License restrictions.</i></p> <p>(1) No license shall be issued for placement of a vending machine except in locations which are not generally accessible to or frequented by minors, including by way of example, bars, cocktail lounges, and private clubhouses for members of fraternal or civic organizations not operated as public businesses or open to the general public.</p> <p>(2) Notwithstanding the foregoing, no license shall be issued for a vending machine which is:</p> <p>(i) Located in an unmonitored coat room, restroom, outer waiting area, or similar</p>	<p>§ 11-5. <i>Penalty.</i></p> <p>Violations this Chapter are municipal infractions, subject to the penalty and enforcement provisions of Chapter 1, Section 6 and 6A of this Code. The penalties for violating sections of this Chapter shall be</p> <p>One Hundred Dollars (\$100.00) for the first offense and Four Hundred Dollars (\$400.00) for every subsequent offense</p>	

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		unattended or unmonitored area of such establishments; or (ii) Accessible to the public when the establishment at which the vending machine is located is closed. (iii) Located in an area which is less than twenty five (25) feet from any point of public ingress to or public egress from the establishment.		
City of Gaithersburg	CITY OF GAITHERSBURG CODE § 18A-11-12	§18A-12 <i>Tobacco products; placement</i> (a) A retail seller of any tobacco product must not display or store the product in any place that is accessible to buyers of the product without the intervention of the seller or an employee of the seller. (b) Tobacco product means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco. (c) This section does not apply to: (1) The sale of any tobacco product from a vending machine that complies with all requirements of state law; and (2) Any store where only or primarily tobacco products are sold. (d) The city's department of planning and code administration and any other agency designated by the city manager must enforce this section.	§18A-11. <i>Violations; injunctive relief.</i> Violations of this chapter are declared to be a municipal infraction and enforceable pursuant to the provisions of section 1-9 of this Code. The maximum penalty for each initial and repeat violation shall be established by the city council. The director of the Montgomery County Department of Health may suspend a permit issued under Chapter 15 of the Montgomery County Code for up to three (3) days if the director finds, under the procedures of section 15-16, that the operator of an eating and drinking establishment has knowingly and repeatedly violated any provision of this section. In addition thereto, the city may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief.	
Town of La Plata	TOWN OF LA PLATA CODE §161-3	§161-3: <i>Placement of tobacco products.</i> A. A commercial establishment shall not display or store any tobacco product in any place that is accessible to customers without the intervention of an employee of the commercial establishment.	§161-3 <i>Placement of tobacco products.</i> C. The owner, manager and person in control of a commercial establishment that displays or stores any tobacco product in violation of this section is guilty of a municipal infraction and shall be liable for a fine	

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		<p>Violation of the provisions of this Article shall be a civil infraction subject to the penalties provided herein. B.The provisions of this section do not apply to the display of any tobacco product in or sale of any tobacco product from a vending machine that complies with all requirements of state law.</p>	<p>as specified in § 1-22 of this Code. The display or storage of a tobacco product in violation of this section is a strict liability offense. Each day that the display or storage of a tobacco product in violation of this section continues is a separate offense.</p> <p>§1-22 <i>Municipal infractions</i> (K)(26) The fine for a violation of § 161-3 is two hundred dollars (\$200.) for the first offense and four hundred dollars (\$400.) for each repeat offense.</p>	

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