

§ 10-107. Distribution of tobacco product or paraphernalia to minor.

(a) *Scope of section.*- This section does not apply to the distribution of a coupon that is redeemable for a tobacco product, if the coupon is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.

(b) *Prohibited - By distributor of tobacco.*-

(1) This subsection 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.

(2) 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:

(i) a tobacco product;

(ii) tobacco paraphernalia; or

(iii) a coupon redeemable for a tobacco product.

(c) *Prohibited - By other person.*- A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to a minor; or

(2) distribute tobacco paraphernalia to a minor.

(d) *Defense.*- In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by an employer, government unit, or institution of higher education that positively identified the purchaser or recipient as at least 18 years of age.

(e) *Penalty.*- A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(1) \$300 for a first violation;

(2) \$1,000 for a second violation occurring within 2 years after the first violation; and

(3) \$3,000 for each subsequent violation occurring within 2 years after the preceding violation.

(f) *Separate incident a violation.*- For purposes of this section, each separate incident at a different time and occasion is a violation.

[An. Code 1957, art. 27, §§ 404(b)-(d), 405; 2002, ch. 26, § 2; 2003, ch. 115; 2007, ch. 218.]