

~~[(b)](C) If the requirements of § 16-209(b)(2)(ii) of the Business Regulation Article are satisfied, the provisions of subsection (a) of this section do not apply to the owner of a tobacco product vending machine or any other person exercising control over a tobacco product vending machine if a person under 18 has purchased a tobacco product from a vending machine.~~

~~(D) IT SHALL NOT BE CONSIDERED A VIOLATION OF § 404 OF THIS ARTICLE FOR LAW ENFORCEMENT OR HEALTH DEPARTMENT PERSONNEL TO USE MINORS TO PURCHASE OR ATTEMPT TO PURCHASE TOBACCO PRODUCTS OR CIGARETTE ROLLING PAPERS FOR THE PURPOSE OF MONITORING COMPLIANCE WITH § 404 OF THIS ARTICLE.~~

404.

(A) (1) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "TOBACCO PRODUCT" MEANS ANY SUBSTANCE CONTAINING TOBACCO, INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR SMOKELESS TOBACCO.

(3) "DISTRIBUTE" MEANS TO:

(I) GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE;

(II) OFFER TO GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE;

OR

(III) CAUSE OR HIRE ANY PERSON TO GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE OR OFFER TO GIVE AWAY, SELL, DELIVER, DISPENSE, OR ISSUE.

(4) "LESS THAN BASIC COST" MEANS A NOMINAL PRICE, OR ANY OTHER PRICE LESS THAN THE COSTS OF THE DISTRIBUTOR, PLUS THE FULL VALUE OF ANY TOBACCO TAX STAMPS AS REQUIRED BY § 12-304 OF THE TAX GENERAL ARTICLE.

(5) "PUBLIC EVENT" MEANS ANY EVENT TO WHICH THE GENERAL PUBLIC IS INVITED OR PERMITTED, INCLUDING MUSICAL CONCERTS OR PERFORMANCES, ATHLETIC COMPETITIONS, PUBLIC FAIRS, CARNIVALS, FLEA MARKETS, BAZAARS, AND ARTISTIC OR CULTURAL PERFORMANCES OR EXHIBITIONS.

(6) "PUBLIC PLACE" MEANS ANY AREA TO WHICH THE GENERAL PUBLIC IS INVITED OR PERMITTED, INCLUDING PARKS, STREETS, SIDEWALKS, PEDESTRIAN CONCOURSES, SPORTS FACILITIES, PAVILIONS, GYMNASIUMS, PUBLIC MALLS, AND PROPERTY OWNED, OCCUPIED, OR OPERATED BY THE STATE, ANY STATE AGENCY, OR ANY POLITICAL SUBDIVISION OF THE STATE.

(5) (7) "RETAILER'S LICENSE" MEANS THE RETAILER LICENSE REQUIRED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE.

(6) (8) "WHOLESALE'S LICENSE" MEANS THE WHOLESALE LICENSE REQUIRED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE.