

IDENTIFICATION ISSUED BY AN EMPLOYER, A GOVERNMENTAL ENTITY, OR INSTITUTION OF HIGHER EDUCATION THAT POSITIVELY IDENTIFIED THE PURCHASER OR RECIPIENT AS AT LEAST 18 YEARS OLD.

405.

[(a) Except as provided in subsection (b) of this section, any person or persons or body corporate being a manufacturer, dealer, vendor as aforesaid, or any other person or persons or body corporate violating the provisions of § 404 of this article, shall, upon conviction thereof in any court of competent jurisdiction, be fined in a sum of not more than one hundred dollars for each and every offense.]

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON WHO VIOLATES § 404(B) OF THIS SUBHEADING SHALL BE SUBJECT TO:

(1) FOR A FIRST VIOLATION, A FINE OF NOT MORE THAN \$300;

(2) FOR A SECOND VIOLATION OCCURRING WITHIN A ~~3-YEAR~~ 2-YEAR PERIOD OF THE FIRST VIOLATION, A FINE OF NOT MORE THAN \$1,000; AND

(3) ~~(H)~~ FOR A THIRD OR SUBSEQUENT VIOLATION OCCURRING WITHIN A ~~3-YEAR~~ 2-YEAR PERIOD OF THE PRIOR VIOLATION BY A RETAILER, WHOLESALER, OR SUBWHOLESALER OF TOBACCO PRODUCTS, A FINE OF NOT MORE THAN \$3,000 AND A 60 DAY SUSPENSION OF THE RETAILER, WHOLESALER, OR SUBWHOLESALER CIGARETTE LICENSE; AND

~~(H) FOR A THIRD OR SUBSEQUENT VIOLATION BY A MANUFACTURER OF TOBACCO PRODUCTS, OR THE AGENT OF A MANUFACTURER, A FINE OF NOT MORE THAN \$5,000.~~

(b) 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.

(C) FOR PURPOSES OF THIS SECTION, A VIOLATION MEANS A SEPARATE AND DISTINCT INCIDENT AT A DIFFERENT TIME AND OCCASION.

~~(D) UPON CONVICTION FOR A THIRD OR SUBSEQUENT VIOLATION BY A PERSON HOLDING A RETAILER, WHOLESALER, OR SUBWHOLESALER CIGARETTE LICENSE, THE CLERK OF THE COURT SHALL IMMEDIATELY NOTIFY THE COMPTROLLER.~~

~~(E) THE COMPTROLLER SHALL DEPOSIT ONE HALF OF THE FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE, AND ONE HALF OF THE FINES COLLECTED UNDER THIS SECTION SHALL BE RETAINED BY THE COUNTY OR BALTIMORE CITY IN WHICH THE CIGARETTE LICENSE WAS ISSUED.~~