

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)] (B) For purposes of this section, a violation means a separate and distinct incident at a different time and occasion.

### Article - Business Regulation

#### SUBTITLE 3A. ~~PLACEMENT OF~~ TOBACCO PRODUCT VENDING MACHINES.

16-3A-01.

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

(B) ~~(1)~~ "OWNER" MEANS THE PERSON THAT OWNS OR OPERATES AN ESTABLISHMENT IN WHICH A VENDING MACHINE IS LOCATED.

~~(2) "OWNER" INCLUDES AN AGENT OR EMPLOYEE OF AN OWNER.~~

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

(D) "VENDING MACHINE" MEANS ANY MECHANICAL, ELECTRONIC, OR SIMILAR SELF-SERVICE DEVICE THAT ON INSERTION OF A COIN, COINS, TOKEN, OR OTHER SIMILAR MEANS DISPENSES A TOBACCO PRODUCT.

16-3A-02.

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OR (C) OF THIS SECTION, A PERSON MAY NOT SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO PRODUCT THROUGH A VENDING MACHINE IN ANY LOCATION IN THE STATE, UNLESS THE VENDING MACHINE:~~

~~(B) AN OWNER OF AN ESTABLISHMENT MAY SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO PRODUCT THROUGH A VENDING MACHINE PLACED IN A LOCATION INSIDE THE ESTABLISHMENT IF THE ESTABLISHMENT IS NOT OPEN TO THE GENERAL PUBLIC OR IS~~

~~(1) IS LOCATED IN AN ESTABLISHMENT THAT MINORS ARE PROHIBITED BY LAW FROM ENTERING; OR AN ESTABLISHMENT THAT IS A BONA FIDE FRATERNAL OR VETERANS ORGANIZATION; OR~~

~~(C) AN OWNER OF AN ESTABLISHMENT THAT IS OPEN TO THE GENERAL PUBLIC MAY SELL OR DISPENSE OR OFFER TO SELL OR DISPENSE A TOBACCO PRODUCT BY MEANS OF A VENDING MACHINE IF THE VENDING MACHINE MAY~~

~~(2) CAN ONLY BE OPERATED WITH A TOKEN, CARD, OR SIMILAR DEVICE THAT AN INDIVIDUAL CAN ONLY OBTAIN OR PURCHASE FROM THE OWNER OR AN EMPLOYEE OR AGENT OF THE OWNER.~~