

(II) A CIGARETTE ROLLING PAPER; OR

(III) A COUPON REDEEMABLE FOR A TOBACCO PRODUCT.

(C) SAME — 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 A CIGARETTE ROLLING PAPER 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.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 404(b) through (d) and 405.

In subsection (a)(1) of this section, the defined term "minor" is substituted for the former reference to "a person under 18" for clarity.

In subsection (b)(1) of this section, the phrase "if the minor's employer distributes tobacco products for commercial purposes" is substituted for the former reference to an employer "who is in the business of distributing tobacco products" for clarity.

In subsection (b)(2) of this section, the former reference to "selling" tobacco products is deleted in light of the defined term "distribute", which includes to "sell".

In subsection (c)(2) of this section, the defined term "distribute" is