

substituted for the former references to "sell" and "[d]eliver" for consistency within this subtitle.

In subsection (d) of this section, the phrase "government unit" is substituted for the former reference to a "governmental entity" for consistency within this article. See General Revisor's Note to article.

In subsection (e) of this section, the phrase "is guilty of a misdemeanor" is added to state expressly that which only was implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Dutton v. State*, 123 Md. 373, 378 (1914), and *Williams v. State*, 4 Md. App. 342, 347 (1968).

In subsection (e)(3) of this section, the reference to "each" subsequent violation is substituted for the former reference to "a third or" subsequent violation for consistency within this article.

Defined terms: "Distribute" § 10-101

"Minor" § 1-101

"Person" § 1-101

"Tobacco product" § 10-101

10-108. POSSESSION OF TOBACCO PRODUCT BY MINOR; USE OF FALSE IDENTIFICATION.

(A) "VIOLATION" DEFINED.

IN THIS SECTION, "VIOLATION" HAS THE MEANING STATED IN § 3-8A-01 OF THE COURTS ARTICLE.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE POSSESSION OF A TOBACCO PRODUCT OR CIGARETTE ROLLING PAPER BY A MINOR WHO IS ACTING AS THE AGENT OF THE MINOR'S EMPLOYER WITHIN THE SCOPE OF EMPLOYMENT.

(C) PROHIBITED.

A MINOR MAY NOT:

(1) USE OR POSSESS A TOBACCO PRODUCT OR CIGARETTE ROLLING PAPER; OR

(2) OBTAIN OR ATTEMPT TO OBTAIN A TOBACCO PRODUCT OR CIGARETTE ROLLING PAPER BY USING A FORM OF IDENTIFICATION THAT:

(I) IS FALSIFIED; OR

(II) IDENTIFIES AN INDIVIDUAL OTHER THAN THE MINOR.

(D) PENALTY.