

Also in subsection (b) of this section, the phrase "is guilty of a misdemeanor" is added to state expressly that which only was implied in the former law by reference to a person who is "convicted". 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).

Defined term: "Person" § 1-101

10-106. SALE OF CLOVE CIGARETTES.

(A) PROHIBITED.

A PERSON MAY NOT SELL OR OFFER FOR SALE A CLOVE CIGARETTE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 40A.

In subsection (a) of this section, the former reference to the "State" is deleted as surplusage.

Defined term: "Person" § 1-101

10-107. DISTRIBUTION OF TOBACCO PRODUCT TO MINOR

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF A COUPON THAT IS REDEEMABLE FOR A TOBACCO PRODUCT, IF THE COUPON IS:

(1) CONTAINED IN A NEWSPAPER, MAGAZINE, OR OTHER TYPE OF PUBLICATION IN WHICH THE COUPON IS INCIDENTAL TO THE PRIMARY PURPOSE OF THE PUBLICATION; OR

(2) SENT THROUGH THE MAIL.

(B) PROHIBITED — BY DISTRIBUTOR OF TOBACCO PRODUCT.

(1) THIS SUBSECTION DOES NOT APPLY TO THE DISTRIBUTION OF A TOBACCO PRODUCT TO A MINOR WHO IS ACTING SOLELY AS THE AGENT OF THE MINOR'S EMPLOYER IF THE EMPLOYER DISTRIBUTES TOBACCO PRODUCTS FOR COMMERCIAL PURPOSES.

(2) A PERSON WHO DISTRIBUTES TOBACCO PRODUCTS FOR COMMERCIAL PURPOSES, INCLUDING A PERSON LICENSED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE, MAY NOT DISTRIBUTE TO A MINOR:

(I) A TOBACCO PRODUCT;