

SEC. 95. PROHIBITING THE FREE DISTRIBUTION OF TOBACCO IN PUBLIC PLACES AND PLACES OPEN TO THE PUBLIC; PENALTY.

(a) No person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute, or direct, authorize, or permit any agent or employee to distribute, (1) any cigarette or other tobacco or smoking product, including any smokeless tobacco product, or (2) coupons, certificates, or other items that can be exchanged or used to acquire any cigarette or other tobacco or smoking product, including a voucher, ticket, rebate, rebate offer, check, credit, token, code, password or any item labeled "coupon" or "coupon offer"; or (3) tobacco accessories, including cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco or smoking product, to any person on any public street or sidewalk or in any public park or playground or on any other public ground in any public building or place open to the public.

(b) No agent or employee of any person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute (1) any cigarette or other tobacco or smoking product, including any smokeless tobacco product, or (2) coupons, certificates, or other items that can be exchanged or used to acquire any cigarette or other tobacco or smoking product, including a voucher, ticket, rebate, rebate offer, check, credit, token, code, password or any item labeled "coupon" or "coupon offer", or (3) tobacco accessories, including cigarette papers or wrappers-pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco or smoking product, to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building or place open to the public.

(c) Any person, firm, association or corporation who violates Subsection (a) shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment. Each distribution of cigarettes or other tobacco or smoking products or tobacco accessories to a person shall be considered a separate offense.

(d) Any person violating Subsection (b) shall be deemed guilty of an infraction. Every violation is punishable by (1) a fine not exceeding \$100 for a first violation; (2) a fine not exceeding \$200 for a second violation within one year, (3) a fine not exceeding \$500 for each additional violation within one year. Each distribution of cigarettes or other tobacco or smoking products or tobacco accessories to a person shall be considered a separate offense.