

# SENATE BILL 895

C2, E1, J1

9lr3137  
CF HB 1169

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By: ~~Senator Kelley~~ **Senators Kelley, Augustine, Beidle, Benson, Feldman, Hayes, and Kramer**

Introduced and read first time: February 14, 2019

Assigned to: Rules

Re-referred to: Finance, February 22, 2019

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 15, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Business Regulation – Tobacco Products and Electronic Smoking Devices –**  
3 **Revisions**

4 FOR the purpose of ~~increasing the amount of certain license fees~~; requiring certain  
5 licensees to post a certain sign in a certain location; altering the minimum age for  
6 an individual to purchase or be sold tobacco products; exempting certain individuals  
7 from a certain minimum age requirement for an individual to purchase or be sold  
8 tobacco products; authorizing the Maryland Department of Health to conduct certain  
9 inspections of licensed retailers for a certain purpose; authorizing the Department  
10 to use certain individuals to assist in conducting a certain inspection; prohibiting the  
11 sale of tobacco products through a vending machine unless it is located in a certain  
12 establishment; renaming electronic nicotine delivery systems to be electronic  
13 smoking devices; prohibiting repealing certain provisions of law authorizing an  
14 affirmative defense for examining employer and school identifications; repealing a  
15 provision of law prohibiting an underage individual from using or possessing tobacco  
16 products or obtaining tobacco products with false identification; requiring certain  
17 retailers to pay for certain civil fines on behalf of certain other individuals; altering  
18 the definitions of certain terms; making conforming changes; and generally relating  
19 to tobacco products.

20 BY repealing and reenacting, with amendments,  
21 Article – Business Regulation

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section ~~16-204(b)~~, 16-209, 16-302, 16-3A-01, ~~16-3A-02~~, and ~~16.5-203(b)~~ and  
2 16-3A-02; and 16.7-101, 16.7-102, 16.7-201 through 16.7-204, 16.7-206,  
3 16.7-207, 16.7-209(e), 16.7-211, and 16.7-213 to be under the amended title  
4 “Title 16.7. Electronic Smoking Devices Licenses”

5 Annotated Code of Maryland  
6 (2015 Replacement Volume and 2018 Supplement)

7 BY adding to  
8 Article – Business Regulation  
9 Section 16-308.2, 16.5-214.1, 16.5-217.1, 16.7-204.1, and 16.7-213.1  
10 Annotated Code of Maryland  
11 (2015 Replacement Volume and 2018 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Criminal Law  
14 Section 10-101 and 10-107  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2018 Supplement)

17 BY repealing  
18 Article – Criminal Law  
19 Section 10-108  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Health – General  
24 Section 13-1001(a)  
25 Annotated Code of Maryland  
26 (2015 Replacement Volume and 2018 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article – Health – General  
29 Section 13-1001(u), 13-1015, 24-305(b), (c), and (d), and 24-307(a) through (d)  
30 Annotated Code of Maryland  
31 (2015 Replacement Volume and 2018 Supplement)

32 BY repealing and reenacting, with amendments,  
33 Article – Local Government  
34 Section 1-1201 and 1-1203(c) and (d)  
35 Annotated Code of Maryland  
36 (2013 Volume and 2018 Supplement)

37 BY repealing and reenacting, without amendments,  
38 Article – Local Government  
39 Section 1-1203(a)  
40 Annotated Code of Maryland

1 (2013 Volume and 2018 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – State Finance and Procurement  
4 Section 7–317(f)  
5 Annotated Code of Maryland  
6 (2015 Replacement Volume and 2018 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
8 That the Laws of Maryland read as follows:

9 **Article – Business Regulation**

10 ~~16–204.~~

11 ~~(b) (1) An applicant for a license to act as a retailer shall:~~

12 ~~(i) obtain the county license required under § 16–301 of this title;~~

13 ~~(ii) submit to the clerk an application for each permanent or~~  
14 ~~temporary place of business located in the same enclosure and operated by the same~~  
15 ~~applicant; and~~

16 ~~(iii) pay to the clerk a fee of ~~[\$30] \$300.~~~~

17 ~~(2) The application shall:~~

18 ~~(i) be made on the form that the clerk requires; and~~

19 ~~(ii) contain the information that the Comptroller requires.~~

20 16–209.

21 (a) A licensee shall display a license in the way that the Comptroller requires by  
22 regulation.

23 (b) A licensee who sells cigarettes through a vending machine:

24 (1) shall place each package of cigarettes in the machine so that when the  
25 package is visible the tax stamps required by § 12–304 of the Tax – General Article are also  
26 visible; and

27 (2) in the way that the Comptroller requires by regulation, shall:

28 (i) identify each vending machine with a conspicuous label that  
29 states the licensee's name, address, and telephone number; and

1 (ii) display on a conspicuous label applicable prohibitions and  
2 penalties under § 10–107 of the Criminal Law Article.

3 (c) (1) A LICENSEE SHALL POST A SIGN IN A LOCATION THAT IS CLEARLY  
4 VISIBLE TO THE CONSUMER THAT STATES:

5 “NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS  
6 WITHOUT MILITARY IDENTIFICATION”.

7 (2) THE SIGN REQUIRED UNDER THIS SUBSECTION SHALL BE  
8 WRITTEN IN LETTERS AT LEAST ONE–HALF INCH HIGH.

9 16–302.

10 (a) For each county license, an applicant shall:

11 (1) submit an application to the clerk; and

12 (2) pay to the clerk a license fee of:

13 (i) \$25 in a county other than Cecil County or Montgomery County;

14 (ii) \$50 in Cecil County; or

15 (iii) \$125 in Montgomery County.

16 (b) (1) From each license fee collected under subsection (a) of this section, the  
17 Clerk of the Circuit Court for Montgomery County shall distribute:

18 (i) \$25 to the Comptroller; and

19 (ii) \$100 to Montgomery County to be used to enforce existing laws  
20 banning the sale or distribution of tobacco or tobacco products to [minors] INDIVIDUALS  
21 UNDER THE AGE OF 21 YEARS.

22 (2) Funds distributed under paragraph (1)(ii) of this subsection may not be  
23 used to supplant existing funding for the enforcement of laws banning the sale or  
24 distribution of tobacco or tobacco products to [minors] INDIVIDUALS UNDER THE AGE OF  
25 21 YEARS.

26 16–308.2.

27 (A) THE MARYLAND DEPARTMENT OF HEALTH MAY CONDUCT  
28 UNANNOUNCED INSPECTIONS OF A LICENSED RETAILER TO ENSURE THE  
29 LICENSEE’S COMPLIANCE WITH THE PROVISIONS OF THIS TITLE AND § 10–107 OF  
30 THE CRIMINAL LAW ARTICLE.

1           **(B) THE MARYLAND DEPARTMENT OF HEALTH MAY USE AN INDIVIDUAL**  
2 **UNDER THE AGE OF 21 YEARS TO ASSIST IN CONDUCTING AN INSPECTION UNDER**  
3 **THIS SECTION.**

4 16-3A-01.

5           (a) In this subtitle the following words have the meanings indicated.

6           (b) “Owner” means the person that owns or operates an establishment in which a  
7 vending machine is located.

8           (c) **(1)** “Tobacco product” means any [substance containing tobacco, including  
9 cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco] **PRODUCT THAT IS:**

10                           **(I) INTENDED FOR HUMAN INHALATION, ABSORPTION,**  
11 **INGESTION, SMOKING, HEATING, CHEWING, DISSOLVING, OR ANY OTHER MANNER**  
12 **OF CONSUMPTION THAT IS MADE OF, DERIVED FROM, OR CONTAINS:**

13   **1. TOBACCO; OR**

14   **2. NICOTINE; OR**

15   **(II) AN ACCESSORY OR A COMPONENT USED IN ANY MANNER OF**  
16 **CONSUMPTION OF A PRODUCT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.**

17           **(2) “TOBACCO PRODUCT” INCLUDES:**

18                           **(I) CIGARETTES, CIGARS, PIPE TOBACCO, CHEWING TOBACCO,**  
19 **SNUFF, AND SNUS;**

20   **(II) ELECTRONIC SMOKING DEVICES; AND**

21   **(III) FILTERS, ROLLING PAPERS, PIPES, AND LIQUIDS USED IN**  
22 **ELECTRONIC SMOKING DEVICES REGARDLESS OF NICOTINE CONTENT.**

23           **(3) “TOBACCO PRODUCT” DOES NOT INCLUDE A DRUG, DEVICE, OR**  
24 **COMBINATION PRODUCT AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG**  
25 **ADMINISTRATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

26           (d) “Vending machine” means any mechanical, electronic, or similar self-service  
27 device that on insertion of a coin, coins, token, or other similar means dispenses a tobacco  
28 product.

29 16-3A-02.

1 A person may not sell or dispense or offer to sell or dispense a tobacco product  
2 through a vending machine in the State, unless the vending machine[:

3 (1) is located in an establishment that [minors] **INDIVIDUALS UNDER**  
4 **THE AGE OF 21 YEARS** are prohibited by law from entering [or an establishment that is a  
5 bona fide fraternal or veterans organization; or

6 (2) can only be operated with a token, card, or similar device that an  
7 individual can only obtain or purchase from the owner or an employee or agent of the  
8 owner] **AT ANY TIME.**

9 ~~16.5-203.~~

10 (b) ~~(1) An applicant for a license to act as an other tobacco products retailer or~~  
11 ~~a tobacconist:~~

12 ~~(i) shall obtain a county license by submitting to the clerk an~~  
13 ~~application for each permanent or temporary place of business located in the same~~  
14 ~~enclosure and operated by the same applicant; and~~

15 ~~(ii) except as provided in paragraph (2) of this subsection, shall pay~~  
16 ~~to the clerk a fee of [\$15] \$300.~~

17 ~~(2) A person who has a license issued under Title 16 of this article to act as~~  
18 ~~a cigarette retailer or to act as a special cigarette retailer is not required to pay the license~~  
19 ~~fee.~~

20 ~~(3) The application shall:~~

21 ~~(i) be made on the form that the clerk requires; and~~

22 ~~(ii) contain the information that the Comptroller requires.~~

23 **16.5-214.1.**

24 (A) **A LICENSED OTHER TOBACCO PRODUCTS RETAILER SHALL POST A SIGN**  
25 **IN A LOCATION THAT IS CLEARLY VISIBLE TO THE CONSUMER THAT STATES:**

26 **“NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS**  
27 **WITHOUT MILITARY IDENTIFICATION”.**

28 (B) **THE SIGN REQUIRED UNDER THIS SECTION SHALL BE WRITTEN IN**  
29 **LETTERS AT LEAST ONE-HALF INCH HIGH.**

30 **16.5-217.1.**

1           **(A) THE MARYLAND DEPARTMENT OF HEALTH MAY CONDUCT**  
2 **UNANNOUNCED INSPECTIONS OF A LICENSED RETAILER TO ENSURE THE**  
3 **LICENSEE’S COMPLIANCE WITH THE PROVISIONS OF THIS TITLE AND § 10–107 OF**  
4 **THE CRIMINAL LAW ARTICLE.**

5           **(B) THE MARYLAND DEPARTMENT OF HEALTH MAY USE AN INDIVIDUAL**  
6 **UNDER THE AGE OF 21 YEARS TO ASSIST IN CONDUCTING AN INSPECTION UNDER**  
7 **THIS SECTION.**

8           Title 16.7. Electronic [Nicotine Delivery Systems] **SMOKING DEVICES** Licenses.

9           16.7–101.

10           (a) In this title the following words have the meanings indicated.

11           (b) “County license” means a license issued by the clerk to sell electronic [nicotine  
12 delivery systems] **SMOKING DEVICES** to consumers in a county.

13           (c) (1) “Electronic [nicotine delivery system] **SMOKING DEVICE**” means [an  
14 electronic] **A device**[, a component for an electronic device, or a product used to refill or  
15 resupply an electronic device] that can be used to deliver **AEROSOLIZED OR VAPORIZED**  
16 nicotine to an individual inhaling from the device.

17           (2) “Electronic [nicotine delivery system] **SMOKING DEVICE**” includes:

18                   **(I)** an electronic cigarette, an electronic cigar, an electronic cigarillo,  
19 an electronic pipe, **AN ELECTRONIC HOOKAH, A VAPE PEN**, and vaping liquid; **AND**

20                   **(II) ANY COMPONENT, PART, OR ACCESSORY OF SUCH A DEVICE**  
21 **REGARDLESS OF WHETHER OR NOT IT IS SOLD SEPARATELY, INCLUDING ANY**  
22 **SUBSTANCE INTENDED TO BE AEROSOLIZED OR VAPORIZED DURING USE OF THE**  
23 **DEVICE.**

24           (3) “Electronic [nicotine delivery system] **SMOKING DEVICE**” does not  
25 include[:

26                   (i) a nicotine device that contains or delivers nicotine intended for  
27 human consumption if the device has been approved by the United States Food and Drug  
28 Administration for sale as a tobacco cessation product and is being marketed and sold solely  
29 for that purpose;

30                   (ii) cannabis oil or any other unlawful substance; or

1 (iii) an electronic device that is being used to deliver cannabis oil or  
2 another unlawful substance] **A DRUG, DEVICE, OR COMBINATION PRODUCT**  
3 **AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER THE**  
4 **FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

5 (d) “Electronic [nicotine delivery systems] **SMOKING DEVICES** manufacturer”  
6 means a person that:

7 (1) manufactures, mixes, or otherwise produces electronic [nicotine  
8 delivery systems] **SMOKING DEVICES** intended for sale in the State, including electronic  
9 [nicotine delivery systems] **SMOKING DEVICES** intended for sale in the United States  
10 through an importer; and

11 (2) (i) sells electronic [nicotine delivery systems] **SMOKING DEVICES**  
12 to a consumer, if the consumer purchases or orders the [systems] **DEVICES** through the  
13 mail, a computer network, a telephonic network, or another electronic network, a licensed  
14 electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler distributor, or a  
15 licensed electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler importer in  
16 the State;

17 (ii) if the electronic [nicotine delivery systems] **SMOKING DEVICES**  
18 manufacturer also holds a license to act as an electronic [nicotine delivery systems]  
19 **SMOKING DEVICES** retailer or a vape shop vendor, sells electronic [nicotine delivery  
20 systems] **SMOKING DEVICES** to consumers located in the State; or

21 (iii) unless otherwise prohibited or restricted under local law, this  
22 article, or the Criminal Law Article, distributes sample electronic [nicotine delivery  
23 systems] **SMOKING DEVICES** to a licensed electronic [nicotine delivery systems] **SMOKING**  
24 **DEVICES** retailer or vape shop vendor.

25 (e) “Electronic [nicotine delivery systems] **SMOKING DEVICES** retailer” means a  
26 person that:

27 (1) sells electronic [nicotine delivery systems] **SMOKING DEVICES** to  
28 consumers;

29 (2) holds electronic [nicotine delivery systems] **SMOKING DEVICES** for sale  
30 to consumers; or

31 (3) unless otherwise prohibited or restricted under local law, this article,  
32 the Criminal Law Article, or § 24–305 of the Health – General Article, distributes sample  
33 electronic [nicotine delivery systems] **SMOKING DEVICES** to consumers in the State.

34 (f) “Electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler  
35 distributor” means a person that:

1 (1) obtains at least 70% of its electronic [nicotine delivery systems]  
2 **SMOKING DEVICES** from a holder of an electronic [nicotine delivery systems] **SMOKING**  
3 **DEVICES** manufacturer license under this subtitle or a business entity located in the  
4 United States; and

5 (2) (i) holds electronic [nicotine delivery systems] **SMOKING DEVICES**  
6 for sale to another person for resale; or

7 (ii) sells electronic [nicotine delivery systems] **SMOKING DEVICES**  
8 to another person for resale.

9 (g) “Electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler  
10 importer” means a person that:

11 (1) obtains at least 70% of its electronic [nicotine delivery systems]  
12 **SMOKING DEVICES** from a business entity located in a foreign country; and

13 (2) (i) holds electronic [nicotine delivery systems] **SMOKING DEVICES**  
14 for sale to another person for resale; or

15 (ii) sells electronic [nicotine delivery systems] **SMOKING DEVICES**  
16 to another person for resale.

17 (h) “License” means:

18 (1) a license issued by the Comptroller under § 16.7–203(a) of this title to:

19 (i) act as a licensed electronic [nicotine delivery systems] **SMOKING**  
20 **DEVICES** manufacturer;

21 (ii) act as a licensed electronic [nicotine delivery systems] **SMOKING**  
22 **DEVICES** wholesaler distributor; or

23 (iii) act as a licensed electronic [nicotine delivery systems] **SMOKING**  
24 **DEVICES** wholesaler importer; or

25 (2) a license issued by the clerk under § 16.7–203(b) of this title to:

26 (i) act as a licensed electronic [nicotine delivery systems] **SMOKING**  
27 **DEVICES** retailer; or

28 (ii) act as a licensed vape shop vendor.

1 (i) "Sell" means to exchange or transfer, or to agree to exchange or transfer, title  
2 or possession of property, in any manner or by any means, for consideration.

3 (j) "Vape shop vendor" means an electronic [nicotine delivery systems] **SMOKING**  
4 **DEVICES** business that derives at least 70% of its revenues, measured by average daily  
5 receipts, from the sale of electronic [nicotine delivery systems] **SMOKING DEVICES** and  
6 related accessories.

7 (k) "Vaping liquid" means a liquid that:

8 (1) consists of propylene glycol, vegetable glycerin, or other similar  
9 substance;

10 (2) may or may not contain natural or artificial flavors;

11 (3) may or may not contain nicotine; and

12 (4) converts to vapor intended for inhalation when heated in an electronic  
13 device.

14 16.7–102.

15 (a) The Comptroller may delegate any power or duty of the Comptroller under  
16 this title.

17 (b) Any person licensed under Title 16 or Title 16.5 of this article, or an affiliate,  
18 as defined under § 16–402(c) of this article, of a person licensed under Title 16 of this article:

19 (1) is authorized to manufacture, distribute, or sell electronic [nicotine  
20 delivery systems] **SMOKING DEVICES** pursuant to this title in the same capacity as the  
21 person is licensed under Title 16 or Title 16.5 of this article; and

22 (2) may not be required to obtain an additional license under this title.

23 16.7–201.

24 (a) A person must hold an appropriate license before the person may act as:

25 (1) an electronic [nicotine delivery systems] **SMOKING DEVICES**  
26 manufacturer;

27 (2) an electronic [nicotine delivery systems] **SMOKING DEVICES** retailer;

28 (3) an electronic [nicotine delivery systems] **SMOKING DEVICES**  
29 wholesaler distributor;

1 (4) an electronic [nicotine delivery systems] **SMOKING DEVICES**  
2 wholesaler importer; or

3 (5) a vape shop vendor.

4 (b) A place of business in which a person acts as an electronic [nicotine delivery  
5 systems] **SMOKING DEVICES** retailer or a vape shop vendor must hold an appropriate  
6 license.

7 16.7–202.

8 (a) (1) An applicant for a license to act as an electronic [nicotine delivery  
9 systems] **SMOKING DEVICES** manufacturer, electronic [nicotine delivery systems]  
10 **SMOKING DEVICES** wholesaler distributor, or electronic [nicotine delivery systems]  
11 **SMOKING DEVICES** wholesaler importer shall:

12 (i) obtain an appropriate county license by submitting an  
13 application to the Comptroller on the form and containing the information that the  
14 Comptroller requires;

15 (ii) indicate the licenses for which the applicant is applying; and

16 (iii) except as provided in paragraph (2) of this subsection, pay to the  
17 Comptroller a fee of \$25 for each license for which the applicant applies.

18 (2) An applicant for a license to act as an electronic [nicotine delivery  
19 systems] **SMOKING DEVICES** wholesaler distributor or electronic [nicotine delivery  
20 systems] **SMOKING DEVICES** wholesaler importer shall pay to the Comptroller a fee of  
21 ~~[\$150]~~ **\$300**.

22 (b) (1) An applicant for a license to act as an electronic [nicotine delivery  
23 systems] **SMOKING DEVICES** retailer or a vape shop vendor:

24 (i) shall obtain a county license by submitting to the clerk an  
25 application for each permanent or temporary place of business located in the same  
26 enclosure and operated by the same applicant; and

27 (ii) except as provided in paragraph (2) of this subsection, shall pay  
28 to the clerk a fee of ~~[\$25]~~ **\$300**.

29 (2) The application shall:

30 (i) be made on the form that the clerk requires; and

31 (ii) contain the information that the Comptroller requires.

1 (c) A licensee shall display a license in the way that the Comptroller requires by  
2 regulation.

3 (d) If a person has had a license revoked under § 16.7–207 of this subtitle, the  
4 person may not reapply for a license within 1 year after the date when the prior license was  
5 revoked.

6 16.7–203.

7 (a) The Comptroller shall issue an appropriate license to each applicant that  
8 meets the requirements of this subtitle for a license to act as an electronic [nicotine delivery  
9 systems] **SMOKING DEVICES** manufacturer, electronic [nicotine delivery systems]  
10 **SMOKING DEVICES** wholesaler distributor, or electronic [nicotine delivery systems]  
11 **SMOKING DEVICES** wholesaler importer.

12 (b) The clerk shall issue to each applicant that meets the requirements of this  
13 subtitle a license to act as an electronic [nicotine delivery systems] **SMOKING DEVICES**  
14 retailer or a vape shop vendor.

15 (c) The clerk shall forward a copy of an application received for each license  
16 issued under subsection (b) of this section to the Comptroller within 30 days of issuance of  
17 the license.

18 16.7–204.

19 (a) An electronic [nicotine delivery systems] **SMOKING DEVICES** manufacturer  
20 license authorizes the licensee to:

21 (1) sell electronic [nicotine delivery systems] **SMOKING DEVICES** to:

22 (i) a licensed electronic [nicotine delivery systems] **SMOKING**  
23 **DEVICES** wholesaler located in the State;

24 (ii) an electronic [nicotine delivery systems] **SMOKING DEVICES**  
25 wholesaler or retailer located outside the State if the electronic [nicotine delivery systems]  
26 **SMOKING DEVICES** may be sold lawfully in Maryland;

27 (iii) a licensed vape shop vendor; and

28 (iv) a consumer if:

29 1. the licensee manufactured the [systems] **DEVICES**; and

30 2. the consumer purchases or orders the [systems] **DEVICES**  
31 through the mail, a computer network, a telephonic network, or another electronic network;

1 (2) if the electronic [nicotine delivery systems] **SMOKING DEVICES**  
2 manufacturer licensee also holds a license to act as an electronic [nicotine delivery systems]  
3 **SMOKING DEVICES** retailer or a vape shop vendor, transfer electronic [nicotine delivery  
4 systems] **SMOKING DEVICES** to inventory for sale under the retail license or vape shop  
5 license; and

6 (3) except as otherwise prohibited or restricted under local law, this article,  
7 or the Criminal Law Article, distribute electronic [nicotine delivery systems] **SMOKING**  
8 **DEVICES** products to a licensed electronic [nicotine delivery systems] **SMOKING DEVICES**  
9 retailer or vape shop vendor.

10 (b) An electronic [nicotine delivery systems] **SMOKING DEVICES** retailer license  
11 authorizes the licensee to:

12 (1) sell electronic [nicotine delivery systems] **SMOKING DEVICES** to  
13 consumers;

14 (2) buy electronic [nicotine delivery systems] **SMOKING DEVICES** from an  
15 electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler distributor or  
16 electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler importer;

17 (3) if the electronic [nicotine delivery systems] **SMOKING DEVICES**  
18 retailer licensee also holds a license to act as an electronic [nicotine delivery systems]  
19 **SMOKING DEVICES** manufacturer, sell at retail electronic [nicotine delivery systems]  
20 **SMOKING DEVICES** manufactured under the manufacturer license; and

21 (4) except as otherwise prohibited or restricted under local law, this article,  
22 the Criminal Law Article, or § 24–305 of the Health – General Article, distribute sample  
23 electronic [nicotine delivery systems] **SMOKING DEVICES** products to consumers in the  
24 State.

25 (c) An electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler  
26 distributor license or electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler  
27 importer license authorizes the licensee to:

28 (1) sell electronic [nicotine delivery systems] **SMOKING DEVICES** to  
29 electronic [nicotine delivery systems] **SMOKING DEVICES** retailers and vape shop vendors;

30 (2) buy electronic [nicotine delivery systems] **SMOKING DEVICES** directly  
31 from an electronic [nicotine delivery systems] **SMOKING DEVICES** manufacturer and an  
32 electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler distributor or  
33 electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler importer;

34 (3) hold electronic [nicotine delivery systems] **SMOKING DEVICES**; and

1 (4) sell electronic [nicotine delivery systems] **SMOKING DEVICES** to  
2 another licensed electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler  
3 distributor or electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler  
4 importer.

5 (d) A vape shop vendor license authorizes the licensee to:

6 (1) sell electronic [nicotine delivery systems] **SMOKING DEVICES** as a vape  
7 shop vendor;

8 (2) if the vape shop vendor licensee also holds a license to act as an  
9 electronic [nicotine delivery systems] **SMOKING DEVICES** manufacturer, sell at retail  
10 electronic [nicotine delivery systems] **SMOKING DEVICES** manufactured under the  
11 manufacturer license; and

12 (3) buy electronic [nicotine delivery systems] **SMOKING DEVICES** from an  
13 electronic [nicotine delivery systems] **SMOKING DEVICES** manufacturer, an electronic  
14 [nicotine delivery systems] **SMOKING DEVICES** wholesaler distributor, or an electronic  
15 [nicotine delivery systems] **SMOKING DEVICES** wholesaler importer.

16 **16.7–204.1.**

17 (A) **A RETAIL LICENSEE SHALL POST A SIGN IN A LOCATION THAT IS**  
18 **CLEARLY VISIBLE TO THE CONSUMER THAT STATES:**

19 **“NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS**  
20 **WITHOUT MILITARY IDENTIFICATION”.**

21 (B) **THE SIGN REQUIRED UNDER THIS SECTION SHALL BE WRITTEN IN**  
22 **LETTERS AT LEAST ONE–HALF INCH HIGH.**

23 **16.7–206.**

24 (a) (1) A licensed electronic [nicotine delivery systems] **SMOKING DEVICES**  
25 retailer or a licensed vape shop vendor may not assign the license.

26 (2) If a licensed electronic [nicotine delivery systems] **SMOKING DEVICES**  
27 wholesaler distributor or electronic [nicotine delivery systems] **SMOKING DEVICES**  
28 wholesaler importer sells the licensee’s electronic [nicotine delivery systems] **SMOKING**  
29 **DEVICES** business and pays to the Comptroller a license assignment fee of \$10, the licensee  
30 may assign the license to the buyer of the business if the buyer otherwise qualifies under  
31 this title for an electronic [nicotine delivery systems] **SMOKING DEVICES** wholesaler’s  
32 distributor or importer license.

1 (b) If the electronic [nicotine delivery systems] **SMOKING DEVICES** business of a  
2 licensee is transferred because of bankruptcy, death, incompetency, receivership, or  
3 otherwise by operation of law, the Comptroller shall transfer the license without charge to  
4 the new owner of the licensee's business if the transferee otherwise qualifies under this  
5 title for the license being transferred.

6 (c) (1) If a licensed electronic [nicotine delivery systems] **SMOKING DEVICES**  
7 wholesaler distributor or electronic [nicotine delivery systems] **SMOKING DEVICES**  
8 wholesaler importer surrenders the license to the Comptroller and if no disciplinary  
9 proceedings are pending against the licensee, the Comptroller shall refund a pro rata  
10 portion of the license fee for the unexpired term of the license.

11 (2) A licensed electronic [nicotine delivery systems] **SMOKING DEVICES**  
12 retailer or a licensed vape shop vendor is not allowed a refund for the unexpired term of  
13 the license.

14 16.7–207.

15 (a) Subject to the hearing provisions of § 16.7–208 of this subtitle, the Comptroller  
16 may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if  
17 the applicant or licensee:

18 (1) fraudulently or deceptively obtains or attempts to obtain a license for  
19 the applicant, licensee, or another person;

20 (2) fraudulently or deceptively uses a license;

21 (3) buys electronic [nicotine delivery systems] **SMOKING DEVICES** for  
22 resale:

23 (i) in violation of a license; or

24 (ii) from a person that is not a licensed electronic [nicotine delivery  
25 systems] **SMOKING DEVICES** manufacturer or a licensed electronic [nicotine delivery  
26 systems] **SMOKING DEVICES** wholesaler;

27 (4) is convicted, under the laws of the United States or of any other state,  
28 of:

29 (i) a felony; or

30 (ii) a misdemeanor that is a crime of moral turpitude and is directly  
31 related to the fitness and qualification of the applicant or licensee;

32 (5) violates federal, State, or local law regarding the sale of electronic  
33 [nicotine delivery systems] **SMOKING DEVICES**; or

1 (6) violates this title, Title 16, or Title 16.5 of this article or regulations  
2 adopted under these titles.

3 (b) Subject to the hearing provisions of § 16.7–208 of this subtitle, the Comptroller  
4 shall deny a license to any applicant that has had a license revoked under this section until:

5 (1) 1 year has passed since the license was revoked; and

6 (2) it satisfactorily appears to the Comptroller that the applicant will  
7 comply with this title and any regulations adopted under this title.

8 (c) Prior to the issuance or renewal of any license, the Comptroller shall conduct  
9 an investigation with regard to:

10 (1) the applicant;

11 (2) the business to be operated; and

12 (3) the facts set forth in the application.

13 16.7–209.

14 (e) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if a  
15 license issued under the provisions of this subtitle is suspended or revoked by the  
16 Comptroller, the licensee may, before the effective date of the suspension or revocation,  
17 petition the Comptroller for permission to make an offer of compromise consisting of a sum  
18 of money in lieu of serving the suspension or revocation.

19 (ii) Subparagraph (i) of this paragraph does not apply if a license is  
20 suspended or revoked for a violation of § 24–305 of the Health – General Article, or any  
21 other federal, State, or local law prohibiting the sale of electronic [nicotine delivery  
22 systems] **SMOKING DEVICES** to [minors] **INDIVIDUALS UNDER THE AGE OF 21 YEARS**.

23 (2) Money paid in lieu of suspension or revocation shall be paid into the  
24 General Fund of the State.

25 (3) An offer of compromise may not exceed \$2,000 for retail licensees or  
26 \$50,000 for other licensees.

27 (4) The Comptroller may accept the offer of compromise if:

28 (i) the public welfare and morals would not be impaired by allowing  
29 the licensee to operate during the period set for the suspension or revocation; and

30 (ii) the payment of the sum of money will achieve the desired  
31 disciplinary purposes.

1 (5) The Comptroller may adopt regulations to carry out this subsection.

2 16.7–211.

3 (a) A person may not act, attempt to act, or offer to act as an electronic [nicotine  
4 delivery systems] **SMOKING DEVICES** manufacturer, an electronic [nicotine delivery  
5 systems] **SMOKING DEVICES** retailer, an electronic [nicotine delivery systems] **SMOKING**  
6 **DEVICES** wholesaler distributor, an electronic [nicotine delivery systems] **SMOKING**  
7 **DEVICES** wholesaler importer, or a vape shop vendor in the State unless the person has an  
8 appropriate license.

9 (b) (1) A person that violates this section is guilty of a misdemeanor and on  
10 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days  
11 or both.

12 (2) Each day that a violation of this section continues is a separate offense.

13 16.7–213.

14 (a) A person may not ship, import, or sell into or within the State any electronic  
15 [nicotine delivery systems] **SMOKING DEVICES** unless the person holds any license  
16 required by this subtitle.

17 (b) A person that ships, imports, or sells electronic [nicotine delivery systems]  
18 **SMOKING DEVICES** into or within the State:

19 (1) shall comply with any federal and State requirements concerning the  
20 placement of warning labels or other information on the containers or individual packages  
21 of electronic [nicotine delivery systems] **SMOKING DEVICES**; and

22 (2) shall ensure that the containers or individual packages of electronic  
23 [nicotine delivery systems] **SMOKING DEVICES** do not contain any information or  
24 markings that are false, misleading, or contrary to:

25 (i) federal trademark laws; or

26 (ii) the trademark law of the State under Title 1, Subtitle 4 of this  
27 article.

28 (c) A person that ships, imports, or sells electronic [nicotine delivery systems]  
29 **SMOKING DEVICES** into or within the State in violation of this section is subject to  
30 disciplinary action by the Comptroller under § 16.7–207 of this subtitle.

31 16.7–213.1.



- 1 (ix) an electric pipe;
- 2 (x) an air-driven pipe;
- 3 (xi) a chillum;
- 4 (xii) a bong; and
- 5 (xiii) an ice pipe or chiller.

6 (d) (1) "Tobacco product" means a [substance containing tobacco] **PRODUCT**  
7 **THAT IS:**

8 (I) **INTENDED FOR HUMAN INHALATION, ABSORPTION,**  
9 **INGESTION, SMOKING, HEATING, CHEWING, DISSOLVING, OR ANY OTHER MANNER**  
10 **OF CONSUMPTION THAT IS MADE OF, DERIVED FROM, OR CONTAINS:**

11 1. **TOBACCO; OR**

12 2. **NICOTINE; OR**

13 (II) **AN ACCESSORY OR A COMPONENT USED IN ANY MANNER OF**  
14 **CONSUMPTION OF A PRODUCT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.**

15 (2) "Tobacco product" includes:

16 (I) **cigarettes, cigars, [smoking tobacco,] PIPE TOBACCO,**  
17 **CHEWING TOBACCO, snuff, [smokeless tobacco,] and [candy-like products that contain**  
18 **tobacco] SNUS;**

19 (II) **ELECTRONIC SMOKING DEVICES; AND**

20 (III) **FILTERS, ROLLING PAPERS, PIPES, AND LIQUIDS USED IN**  
21 **ELECTRONIC SMOKING DEVICES REGARDLESS OF NICOTINE CONTENT.**

22 (3) **"TOBACCO PRODUCT" DOES NOT INCLUDE A DRUG, DEVICE, OR**  
23 **COMBINATION PRODUCT AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG**  
24 **ADMINISTRATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

25 (e) "Venereal disease" includes gonorrhea, syphilis, chancroid, and any diseased  
26 condition of the human genitalia caused by, related to, or resulting from a venereal disease.

27 10-107.

1 (a) This section does not apply to the distribution of a coupon that is redeemable  
2 for a tobacco product, if the coupon is:

3 (1) contained in a newspaper, magazine, or other type of publication in  
4 which the coupon is incidental to the primary purpose of the publication; or

5 (2) sent through the mail.

6 (b) (1) This subsection does not apply to the distribution of a tobacco product[,]  
7 **OR** tobacco paraphernalia[, or an electronic nicotine delivery system] to:

8 **(I) [a minor] AN INDIVIDUAL UNDER THE AGE OF 21 YEARS** who  
9 is acting solely as the agent of the [minor's] **INDIVIDUAL'S** employer if the employer  
10 distributes tobacco products[,] **OR** tobacco paraphernalia[, or electronic nicotine delivery  
11 systems] for commercial purposes; **OR**

12 **(II) A PURCHASER OR RECIPIENT WHO:**

13 **1. IS AT LEAST 18 YEARS OF AGE;**

14 **2. IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND**

15 **3. PRESENTS A VALID MILITARY IDENTIFICATION.**

16 (2) A person who distributes tobacco products for commercial purposes,  
17 including a person licensed under Title 16 of the Business Regulation Article, may not  
18 distribute to [a minor] **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS:**

19 (i) a tobacco product;

20 (ii) tobacco paraphernalia; **OR**

21 (iii) a coupon redeemable for a tobacco product[; or

22 (iv) an electronic nicotine delivery system, as defined in § 16.7–101  
23 of the Business Regulation Article].

24 (c) A person not described in subsection (b)(2) of this section may not:

25 (1) purchase for or sell a tobacco product [or an electronic nicotine delivery  
26 system] to [a minor] **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, UNLESS THE**  
27 **INDIVIDUAL:**

28 **(I) IS AT LEAST 18 YEARS OF AGE;**

1                   **(II) IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND**

2                   **(III) PRESENTS A VALID MILITARY IDENTIFICATION;** or

3                   (2) distribute tobacco paraphernalia to [a minor] **AN INDIVIDUAL UNDER**  
4 **THE AGE OF 21 YEARS, UNLESS THE INDIVIDUAL:**

5                   **(I) IS AT LEAST 18 YEARS OF AGE;**

6                   **(II) IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND**

7                   **(III) PRESENTS A VALID MILITARY IDENTIFICATION.**

8                   (d) In a prosecution for a violation of this section, it is a defense that the defendant  
9 examined the purchaser's or recipient's driver's license or other valid identification issued  
10 by [an employer,] A government unit[, or institution of higher education] that positively  
11 identified the purchaser or recipient as at least [18] **21** years of age **OR AS AT LEAST 18**  
12 **YEARS OF AGE AND AN ACTIVE DUTY MEMBER OF THE MILITARY.**

13                   (e) (1) A person who violates this section is guilty of a misdemeanor and on  
14 conviction is subject to a fine not exceeding:

15                           (i) \$300 for a first violation;

16                           (ii) \$1,000 for a second violation occurring within 2 years after the  
17 first violation; and

18                           (iii) \$3,000 for each subsequent violation occurring within 2 years  
19 after the preceding violation.

20                   (2) Issuance of a civil citation for the sale of a tobacco product [or an  
21 electronic nicotine delivery system] to [a minor] **AN INDIVIDUAL UNDER THE AGE OF 21**  
22 **YEARS** precludes a prosecution for a violation of § 24–307 of the Health – General Article  
23 arising out of the same violation.

24                   (f) For purposes of this section, each separate incident at a different time and  
25 occasion is a violation.

26 [10–108.

27                   (a) In this section, “violation” has the meaning stated in § 3–8A–01 of the Courts  
28 Article.

1 (b) This section does not apply to the possession of a tobacco product, cigarette  
 2 rolling paper, or an electronic nicotine delivery system by a minor who is acting as the agent  
 3 of the minor's employer within the scope of employment.

4 (c) A minor may not:

5 (1) use or possess a tobacco product, cigarette rolling paper, or an electronic  
 6 nicotine delivery system; or

7 (2) obtain or attempt to obtain a tobacco product, cigarette rolling paper,  
 8 or an electronic nicotine delivery system by using a form of identification that:

9 (i) is falsified; or

10 (ii) identifies an individual other than the minor.

11 (d) (1) A violation of this section is a civil offense.

12 (2) A minor who violates this section is subject to the procedures and  
 13 dispositions provided in Title 3, Subtitle 8A of the Courts Article.

14 (e) A law enforcement officer authorized to make arrests shall issue a citation to  
 15 a minor if the law enforcement officer has probable cause to believe that the minor is  
 16 committing or has committed a violation of this section.]

## 17 Article – Health – General

18 13–1001.

19 (a) In this subtitle the following words have the meanings indicated.

20 (u) **(1)** “Tobacco product” [includes cigars, cigarettes, pipe tobacco, and  
 21 smokeless tobacco] **MEANS ANY PRODUCT THAT IS:**

22 **(I) INTENDED FOR HUMAN INHALATION, ABSORPTION,**  
 23 **INGESTION, SMOKING, HEATING, CHEWING, DISSOLVING, OR ANY OTHER MANNER**  
 24 **OF CONSUMPTION THAT IS MADE OF, DERIVED FROM, OR CONTAINS:**

25 **1. TOBACCO; OR**

26 **2. NICOTINE; OR**

27 **(II) AN ACCESSORY OR COMPONENT USED IN ANY MANNER OF**  
 28 **CONSUMPTION OF A PRODUCT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.**

29 **(2) “TOBACCO PRODUCT” INCLUDES:**

1                   **(I) CIGARETTES, CIGARS, PIPE TOBACCO, CHEWING TOBACCO,**  
2 **SNUFF, AND SNUS;**

3                   **(II) ELECTRONIC SMOKING DEVICES; AND**

4                   **(III) FILTERS, ROLLING PAPERS, PIPES, AND LIQUIDS USED IN**  
5 **ELECTRONIC SMOKING DEVICES REGARDLESS OF NICOTINE CONTENT.**

6                   **(3) “TOBACCO PRODUCT” DOES NOT INCLUDE A DRUG, DEVICE, OR**  
7 **COMBINATION PRODUCT AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG**  
8 **ADMINISTRATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

9 13–1015.

10           (a) For fiscal year 2011 and fiscal year 2012, the Governor shall include at least  
11 \$6,000,000 in the annual budget in appropriations for activities aimed at reducing tobacco  
12 use in Maryland as recommended by the Centers for Disease Control and Prevention,  
13 including:

14                   (1) Media campaigns aimed at reducing smoking initiation and  
15 encouraging smokers to quit smoking;

16                   (2) Media campaigns educating the public about the dangers of secondhand  
17 smoke exposure;

18                   (3) Enforcement of existing laws banning the sale or distribution of tobacco  
19 products to [minors] **INDIVIDUALS UNDER THE AGE OF 21 YEARS;**

20                   (4) Promotion and implementation of smoking cessation programs; and

21                   (5) Implementation of school–based tobacco education programs.

22           (b) For fiscal year 2013 and each fiscal year thereafter, the Governor shall include  
23 at least \$10,000,000 in the annual budget in appropriations for the purposes described in  
24 subsection (a) of this section.

25 24–305.

26           (b) (1) Except as provided in paragraph (2) of this subsection, a person may  
27 not sell, distribute, or offer for sale to [a minor] **AN INDIVIDUAL UNDER THE AGE OF 21**  
28 **YEARS** an electronic [nicotine delivery system] **SMOKING DEVICE**, as defined in §  
29 16.7–101(c) of the Business Regulation Article.

30                   (2) This subsection does not apply to ~~an~~:



1           (2) This section does not apply to the distribution of a tobacco product or  
2 tobacco paraphernalia to [a minor] ~~AN~~:

3           **(I) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS** who is acting  
4 solely as the agent of the [minor's] INDIVIDUAL'S employer if the employer distributes  
5 tobacco products or tobacco paraphernalia for commercial purposes; **OR**

6           **(II) A PURCHASER OR RECIPIENT WHO:**

7                   **1. IS AT LEAST 18 YEARS OF AGE;**

8                   **2. IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND**

9                   **3. PRESENTS A VALID MILITARY IDENTIFICATION.**

10           (b) A person who distributes tobacco products for commercial purposes, including  
11 a person licensed under Title 16 of the Business Regulation Article, may not distribute to  
12 [a minor] **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS:**

13                   (1) A tobacco product;

14                   (2) Tobacco paraphernalia; or

15                   (3) A coupon redeemable for a tobacco product.

16           (c) (1) A person who violates subsection (b) of this section is subject to a civil  
17 penalty not exceeding:

18                   (i) \$300 for a first violation;

19                   (ii) \$1,000 for a second violation occurring within 24 months after  
20 the first violation; and

21                   (iii) \$3,000 for each subsequent violation occurring within 24 months  
22 after the preceding violation.

23           (2) The local health departments shall report violations of subsection (b) of  
24 this section to the Comptroller's Office.

25           (3) Issuance of a civil citation for a violation of this section precludes  
26 prosecution under § 10–107 of the Criminal Law Article arising out of the same violation.

27           **(4) IF A VIOLATION IS COMMITTED BY A PERSON ACTING ON BEHALF**  
28 **OF A RETAILER, THE CIVIL PENALTY IMPOSED UNDER PARAGRAPH (1) OF THIS**  
29 **SUBSECTION SHALL BE PAID BY THE RETAILER.**

1 (d) In a prosecution for a violation of subsection (b) of this section, it is a defense  
 2 that the defendant examined the purchaser's or recipient's driver's license or other valid  
 3 identification issued by [an employer,] a governmental unit[, or an institution of higher  
 4 education] that positively identified the purchaser or recipient as at least [18] **21** years old  
 5 **OR AS AT LEAST 18 YEARS OF AGE AND AN ACTIVE DUTY MEMBER OF THE MILITARY.**

## 6 Article – Local Government

7 1–1201.

8 (a) In this subtitle the following words have the meanings indicated.

9 (b) “Distribute” means to:

10 (1) give, sell, deliver, dispense, or issue;

11 (2) offer to give, sell, deliver, dispense, or issue; or

12 (3) cause or hire any person to give, sell, deliver, dispense, or issue or offer  
 13 to give, sell, deliver, dispense, or issue.

14 (c) (1) “Tobacco product” means a product [containing tobacco] **THAT IS:**

15 **(I) INTENDED FOR HUMAN INHALATION, ABSORPTION,**  
 16 **INGESTION, SMOKING, HEATING, CHEWING, DISSOLVING, OR ANY OTHER MANNER**  
 17 **OF CONSUMPTION THAT IS MADE OF, DERIVED FROM, OR CONTAINS:**

18 **1. TOBACCO; OR**

19 **2. NICOTINE; OR**

20 **(II) AN ACCESSORY OR A COMPONENT USED IN ANY MANNER OF**  
 21 **CONSUMPTION OF A PRODUCT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.**

22 (2) “Tobacco product” includes:

23 **(I) cigarettes, cigars, [smoking tobacco,] PIPE TOBACCO,**  
 24 **CHEWING TOBACCO, snuff, and [smokeless tobacco] SNUS;**

25 **(II) ELECTRONIC SMOKING DEVICES; AND**

26 **(III) FILTERS, ROLLING PAPERS, PIPES, AND LIQUIDS USED IN**  
 27 **ELECTRONIC SMOKING DEVICES REGARDLESS OF NICOTINE CONTENT.**

1           **(3) “TOBACCO PRODUCT” DOES NOT INCLUDE A DRUG, DEVICE, OR**  
2 **COMBINATION PRODUCT AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG**  
3 **ADMINISTRATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

4 1–1203.

5           (a) This section applies only in:

6               (1) Carroll County;

7               (2) Cecil County;

8               (3) Garrett County; and

9               (4) St. Mary’s County.

10          (c) A person may not:

11               (1) distribute a tobacco product to [a minor] **AN INDIVIDUAL UNDER THE**  
12 **AGE OF 21 YEARS**, unless:

13                       **(I)** the [minor] **INDIVIDUAL** is acting solely as the agent of the  
14 **[minor’s] INDIVIDUAL’S** employer who is engaged in the business of distributing tobacco  
15 products; **OR**

16                               **(II) THE INDIVIDUAL:**

17                                       **1. IS AT LEAST 18 YEARS OF AGE;**

18                                       **2. IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND**

19                                       **3. PRESENTS A VALID MILITARY IDENTIFICATION;**

20               (2) distribute cigarette rolling papers to [a minor] **AN INDIVIDUAL UNDER**  
21 **THE AGE OF 21 YEARS, UNLESS THE INDIVIDUAL:**

22                               **(I) IS AT LEAST 18 YEARS OF AGE;**

23                               **(II) IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND**

24                               **(III) PRESENTS A VALID MILITARY IDENTIFICATION; or**

25               (3) distribute to [a minor] **AN INDIVIDUAL UNDER THE AGE OF 21**  
26 **YEARS** a coupon redeemable for a tobacco product, **UNLESS THE INDIVIDUAL:**

- 1                   **(I) IS AT LEAST 18 YEARS OF AGE;**  
 2                   **(II) IS AN ACTIVE DUTY MEMBER OF THE MILITARY; AND**  
 3                   **(III) PRESENTS A VALID MILITARY IDENTIFICATION.**

4           (d) A person has not violated this section if:

5                   (1) the person examined the driver's license or other valid  
 6 government-issued identification presented by the recipient of a tobacco product, cigarette  
 7 rolling paper, or coupon redeemable for a tobacco product; and

8                   (2) the license or other identification positively identified the recipient as  
 9 being at least [18] **21** years old **OR AS BEING AT LEAST 18 YEARS OF AGE AND AN**  
 10 **ACTIVE DUTY MEMBER OF THE MILITARY.**

11                                   **Article – State Finance and Procurement**

12 7–317.

13           (f) (1) The Cigarette Restitution Fund shall be used to fund:

14                                   (i) the Tobacco Use Prevention and Cessation Program established  
 15 under Title 13, Subtitle 10 of the Health – General Article;

16                                   (ii) the Cancer Prevention, Education, Screening, and Treatment  
 17 Program established under Title 13, Subtitle 11 of the Health – General Article; and

18                                   (iii) other programs that serve the following purposes:

19   1. reduction of the use of tobacco products by [minors]  
 20 **INDIVIDUALS UNDER THE AGE OF 21 YEARS;**

21   2. implementation of the Southern Maryland Regional  
 22 Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern  
 23 Maryland with an emphasis on alternative crop uses for agricultural land now used for  
 24 growing tobacco;

25   3. public and school education campaigns to decrease tobacco  
 26 use with initial emphasis on areas targeted by tobacco manufacturers in marketing and  
 27 promoting cigarette and tobacco products;

28   4. smoking cessation programs;

29   5. enforcement of the laws regarding tobacco sales;

1                           6.     the purposes of the Maryland Health Care Foundation  
2 under Title 20, Subtitle 5 of the Health – General Article;

3                           7.     primary health care in rural areas of the State and areas  
4 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco  
5 products;

6                           8.     prevention, treatment, and research concerning cancer,  
7 heart disease, lung disease, tobacco product use, and tobacco control, including operating  
8 costs and related capital projects;

9                           9.     substance abuse treatment and prevention programs; and

10                          10.    any other public purpose.

11                          (2)    The provisions of this subsection may not be construed to affect the  
12 Governor’s powers with respect to a request for an appropriation in the annual budget bill.

13                          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2019.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.