

## **Chapter 714**

**(House Bill 1272)**

AN ACT concerning

### **Public Health – Electronic Cigarettes – Distribution to Minors Prohibited**

FOR the purpose of prohibiting a person from selling, distributing, or offering for sale to a minor certain electronic devices that can be used to deliver nicotine to the individual inhaling from the device; providing a certain exception to the prohibition; providing that a violation of this Act is a misdemeanor subject to a certain fine; establishing a certain defense for a violation of this Act; providing for the application of this Act; and generally relating to prohibiting the sale, distribution, or offer for sale of electronic devices that deliver nicotine to minors.

BY adding to

Article – Health – General

Section 24–305

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

#### **Article – Health – General**

#### **24–305.**

**(A) THIS SECTION DOES NOT APPLY TO A TOBACCO PRODUCT THAT IS REGULATED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE.**

**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT SELL, DISTRIBUTE, OR OFFER FOR SALE TO A MINOR AN ELECTRONIC DEVICE THAT CAN BE USED TO DELIVER NICOTINE TO THE INDIVIDUAL INHALING FROM THE DEVICE, INCLUDING AN ELECTRONIC CIGARETTE, CIGAR, CIGARILLO, OR PIPE.**

**(2) THIS SUBSECTION DOES NOT APPLY TO A NICOTINE DEVICE THAT CONTAINS OR DELIVERS NICOTINE INTENDED FOR HUMAN CONSUMPTION IF THE DEVICE HAS BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.**

**(C) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION.**

**(D) 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.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

**Approved by the Governor, May 22, 2012.**