

HB0523/397275/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 523
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “storage warehouse,”; in line 13, strike “certain clerks of the circuit court” and substitute “the Comptroller”; and in line 14, strike “storage warehouses,”.

On page 2, in line 2, strike “prohibiting” and substitute “authorizing the Comptroller to delegate certain powers and duties; exempting certain persons from obtaining certain licenses under certain conditions; providing for certain disciplinary actions and proceedings; authorizing the Comptroller to adopt certain regulations; granting certain rights to judicial review under certain circumstances; prohibiting”; in line 4, strike “storage warehouse,”; in line 6, after “license;” insert “requiring the Comptroller to pay certain fees into the General Fund of the State; stating the intent of the General Assembly; requiring a person who transports electronic nicotine delivery systems by vehicle on a public road to have certain information; authorizing the Comptroller by regulation to require a common carrier that brings electronic nicotine delivery systems products into the State to submit certain information;”; strike beginning with “requiring” in line 13 down through “actions;” in line 14; and strike beginning with “storage” in line 18 down through “warehouses,” in line 19.

AMENDMENT NO. 2

On page 2, in line 36, before the second period insert “;**GENERAL PROVISIONS**”.

On page 3, in line 28, after “**STATE;**” insert “**OR**”.

On pages 3 and 4, strike in their entirety the lines beginning with line 29 on page 3 through line 8 on page 4, inclusive.

(Over)

On page 4, in line 9, strike “(V)” and substitute “(II)”; in line 16, strike “OR”; in line 18, after “CONSUMERS” insert “; OR”

(3) UNLESS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, THE CRIMINAL LAW ARTICLE, OR § 24-305 OF THE HEALTH - GENERAL ARTICLE, DISTRIBUTES SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS IN THE STATE;

strike in their entirety lines 19 through 22, inclusive; and in line 23, strike “(G)” and substitute “(F)”.

On page 5, in lines 1, 9, 23, 24, and 27, strike “(H)”, “(I)”, “(6)”, “(J)”, and “(K)”, respectively, and substitute “(G)”, “(H)”, “(5)”, “(I)”, and “(J)”, respectively; in line 10, strike “CLERK” and substitute “COMPTROLLER”; in line 11, strike “16.7-204” and substitute “16.7-203”; and strike beginning with “ACT” in line 18 down through “(5)” in line 20.

On page 6, in line 1, strike “(L)” and substitute “(K)”; after line 7, insert:

“16.7-102.

(A) THE COMPTROLLER MAY DELEGATE ANY POWER OR DUTY OF THE COMPTROLLER UNDER THIS TITLE.

(B) ANY PERSON LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE, OR AN AFFILIATE, AS DEFINED UNDER § 16-402(C) OF THIS ARTICLE, OF A PERSON LICENSED UNDER TITLE 16 OF THIS ARTICLE:

(1) IS AUTHORIZED TO MANUFACTURE, DISTRIBUTE, OR SELL ELECTRONIC NICOTINE DELIVERY SYSTEMS PURSUANT TO THIS TITLE IN THE

SAME CAPACITY AS THE PERSON IS LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE; AND

(2) MAY NOT BE REQUIRED TO OBTAIN AN ADDITIONAL LICENSE UNDER THIS TITLE.”;

and in line 22, strike “IMPORTER” and substitute “IMPORTER;”.

AMENDMENT NO. 3

On page 6, strike beginning with “AN” in line 17 down through “(4)” in line 19; and in lines 21 and 23, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively.

On pages 6 and 7, strike in their entirety the lines beginning with line 27 on page 6 through line 12 on page 7, inclusive.

On page 7, in line 13, strike “16.7-203.” and substitute “16.7-202.”; strike beginning with “ELECTRONIC” in line 15 down through “WAREHOUSE,” in line 16; and in lines 20, 21, 25, and 29, in each instance, strike “CLERK” and substitute “COMPROLLER”.

On pages 7 and 8, strike in their entirety the lines beginning with line 31 on page 7 through line 2 on page 8, inclusive.

On page 8, strike beginning with “A” in line 11 down through “(3)” in line 14; and in line 17, strike “CLERK” and substitute “COMPROLLER”.

On page 9, in line 8, strike “§ 16.7-208” and substitute “§ 16.7-207”; in lines 11 and 24, strike “16.7-204.” and “16.7-205.”, respectively, and substitute “16.7-203.” and “16.7-204.”, respectively; in line 12, strike “CLERK” and substitute

“COMPTROLLER”; in line 15, strike “ELECTRONIC NICOTINE DELIVERY SYSTEMS WAREHOUSE,”; in line 17, after “DELIVERY” insert “SYSTEMS”; in line 22, after “UNDER” insert “SUBSECTION (B) OF”; in line 30, strike “A LICENSED” and substitute “AN”; and in line 31, after “WHOLESALER” insert “OR RETAILER”.

On page 10, in line 1, after “VENDOR,” insert “AND”; strike in their entirety lines 2 through 9, inclusive; in line 10, strike “(4)” and substitute “(2)”; strike beginning with the semicolon in line 14 down through “SYSTEMS” in line 17; in line 24, strike “AND”; and in line 28, after “LICENSE” insert “; AND”.

(4) EXCEPT AS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, THE CRIMINAL LAW ARTICLE, OR § 24-305 OF THE HEALTH – GENERAL ARTICLE, DISTRIBUTE SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS PRODUCTS TO CONSUMERS IN THE STATE”.

On pages 10 and 11, strike in their entirety the lines beginning with line 29 on page 10 through line 6 on page 11, inclusive.

On page 11, in lines 7 and 25, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”, respectively; strike beginning with “TRANSPORT” in line 17 down through “(5)” in line 19; strike beginning with “IF” in line 21 down through “SALE” in line 22; and in line 23, strike “(6)” and substitute “(5)”.

On page 12, in lines 1 and 17, strike “16.7-206.” and “16.7-207.”, respectively, and substitute “16.7-205.” and “16.7-206.”, respectively; and in line 26, after “WHOLESALER’S” insert “DISTRIBUTOR OR IMPORTER”.

AMENDMENT NO. 4

On page 12, in lines 23 and 29, in each instance, strike “CLERK” and substitute “COMPTROLLER”.

On page 13, in lines 3, 5, and 12, in each instance, strike "CLERK" and substitute "COMPTROLLER"; in line 10, strike "16.7-208." and substitute "16.7-207."; and in line 11, strike "§ 16.7-209" and substitute "§ 16.7-208".

On page 14, in line 3, strike "§ 16.7-209" and substitute "§ 16.7-208"; in lines 4, 7, 11, 17, 18, 20, 21, 24, and 29, in each instance, strike "CLERK" and substitute "COMPTROLLER"; in line 15, strike "16.7-209." and substitute "16.7-208."; and in line 18, strike "§ 16.7-208" and substitute "§ 16.7-207".

On page 15, in line 1, strike "16.7-210." and substitute "16.7-209."; in line 4, strike "§ 16.7-208" and substitute "§ 16.7-207"; in lines 4, 11, 15, 23, and 25, in each instance, strike "CLERK" and substitute "COMPTROLLER"; and in line 13, strike "§ 16.7-208(A)" and substitute "§ 16.7-207(A)".

On page 16, in line 3, strike "CLERK" and substitute "COMPTROLLER"; after line 11, insert:

"(4) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

16.7-210.

A PARTY TO A PROCEEDING BEFORE THE COMPTROLLER THAT IS AGGRIEVED BY A FINAL DECISION OF THE COMPTROLLER IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE, IS ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.;

and strike beginning with "AN" in line 21 down through "WAREHOUSE," in line 22.

On pages 17 and 18, strike in their entirety the lines beginning with line 9 on page 17 through line 28 on page 18, inclusive, and substitute:

“(A) (1) THE COMPTROLLER SHALL PAY INTO THE GENERAL FUND OF THE STATE ALL LICENSE FEES COLLECTED UNDER THIS TITLE.

(2) ALL LICENSE FEES COLLECTED BY THE COUNTIES UNDER THIS TITLE ARE SUBJECT TO THE DISTRIBUTION PROVISIONS OF § 17-205 OF THIS ARTICLE.

(B) THE GENERAL ASSEMBLY INTENDS THAT THESE LICENSE FEES BE USED TO ADMINISTER THIS TITLE.”.

On page 19, strike beginning with the colon in line 11 down through “(2)” in line 17.

On page 20, in line 3, strike “CLERK” and substitute “COMPTROLLER”; and in line 4, strike “16.7-208” and substitute “16.7-207”.