

HB0523/563499/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 523

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Aumann, Barkley, Brooks, Fennell, Glenn, Lisanti, and C. Wilson”; in line 2, after “Systems” insert “and Vaping Liquid”; in line 5, strike “or”; in the same line, after “wholesaler” insert “distributor, or wholesaler importer”; in line 12, strike “the Comptroller” and substitute “certain clerks of the circuit court”; in line 14, strike “and wholesalers” and substitute “wholesaler distributors, and wholesaler importers”; in line 16, after “circumstances;” insert “requiring certain clerks of the circuit court to forward certain applications to the Comptroller within a certain time;”; strike beginning with “authorizing” in line 17 down through “circumstances;” in line 20; in line 22, strike “or”; in line 23, after “wholesaler” insert “distributor, or wholesaler importer”; and strike beginning with “requiring” in line 23 down through “information;” in line 28.

On page 2, in line 9, strike “and wholesalers” and substitute “wholesaler distributors, and wholesaler importers”; in line 12, strike “16.7-218” and substitute “16.7-214”; and in line 25, strike “; **GENERAL PROVISIONS**”.

AMENDMENT NO. 2

On page 3, in line 2, strike “**OR**”; in line 3, after “**PIPE**” insert “, **AND VAPING LIQUID**”; in line 4, after “**INCLUDE**” insert “;”

(I);

in line 8, after “**PURPOSE**” insert “;”

(II) CANNABIS OIL OR ANY OTHER UNLAWFUL SUBSTANCE;

OR

(Over)

(III) AN ELECTRONIC DEVICE THAT IS BEING USED TO DELIVER CANNABIS OIL OR ANOTHER UNLAWFUL SUBSTANCE”;

in line 11, after “MANUFACTURES” insert “, MIXES,”; in line 16, after “WHOLESALER” insert “DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER”; in line 19, after “WHOLESALER” insert “DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER”; in line 23, strike “OR”; and in line 27, after “STATE” insert “; OR”

(V) IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER ALSO HOLDS A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A VAPE SHOP VENDOR, SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS TO CONSUMERS LOCATED IN THE STATE”.

On page 4, in line 5, after “WHOLESALER” insert “DISTRIBUTOR”; in line 7, after “(1)” insert “OBTAINS AT LEAST 70% OF ITS ELECTRONIC NICOTINE DELIVERY SYSTEMS FROM A HOLDER OF AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER LICENSE UNDER THIS SUBTITLE OR A BUSINESS ENTITY LOCATED IN THE UNITED STATES; AND”

(2) (1)”;

in line 9, strike “(2)” and substitute “(II)”; in line 11, after “(H)” insert ““ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER” MEANS A PERSON THAT:

(1) OBTAINS AT LEAST 70% OF ITS ELECTRONIC NICOTINE DELIVERY SYSTEMS FROM A BUSINESS ENTITY LOCATED IN A FOREIGN COUNTRY; AND

(2) (I) HOLDS ELECTRONIC NICOTINE DELIVERY SYSTEMS FOR SALE TO ANOTHER PERSON FOR RESALE; OR

(II) SELLS ELECTRONIC NICOTINE DELIVERY SYSTEMS TO ANOTHER PERSON FOR RESALE.

(I);

strike beginning with the colon in line 11 down through “**(1)**” in line 12; in line 12, strike “**COMPROLLER**” and substitute “**CLERK**”; in the same line, strike “**16.7-204(A)**” and substitute “**16.7-204**”; in lines 14, 16, and 18, strike “**(I)**”, “**(II)**”, and “**(III)**”, respectively, and substitute “**(1)**”, “**(2)**”, and “**(4)**”, respectively; in line 17, after “**WHOLESALE**” insert “**DISTRIBUTOR**”; in the same line, strike “**OR**” and substitute:

(3) ACT AS A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER;;

in line 19, strike “**OR**”; in line 20, strike “**(2)**” and substitute “**(5)**”; strike beginning with “**A**” in line 20 down through “**TO**” in line 21; in line 21, strike “**AN**” and substitute “**A LICENSED**”; in the same line, after “**RETAILER**” insert a semicolon; in the same line, strike “**A**” and substitute:

(6) ACT AS A LICENSED;

in lines 23 and 26, strike “**(I)**” and “**(J)**”, respectively, and substitute “**(J)**” and “**(K)**”, respectively; and after line 29, insert:

(L) “VAPING LIQUID” MEANS A LIQUID THAT:

(1) CONSISTS OF PROPLYENE GLYCOL, VEGETABLE GLYCERIN, OR OTHER SIMILAR SUBSTANCE;

(2) CONTAINS NATURAL OR ARTIFICIAL FLAVORS;

(3) MAY OR MAY NOT CONTAIN NICOTINE; AND

(4) CONVERTS TO VAPOR INTENDED FOR INHALATION WHEN HEATED IN AN ELECTRONIC DEVICE.”.

On pages 4 and 5, strike in their entirety the lines beginning with line 30 on page 4 through line 2 on page 5, inclusive.

AMENDMENT NO. 3

On page 5, in line 11, strike “**WHOLESALE**”; and substitute “**WHOLESALE DISTRIBUTOR;**

(5) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER”;

in line 12, strike “**(5)**” and substitute “**(6)**”; and in line 25, after “**WHOLESALE**” insert “**DISTRIBUTOR OR AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER**”.

On page 6, in line 1, after “**(A)**” insert “**(1)**”; in line 2, after “**MANUFACTURER**” insert “**, ELECTRONIC NICOTINE DELIVERY SYSTEMS STORAGE WAREHOUSE, ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE DISTRIBUTOR, OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER**”; in line 3, strike “**(1) SUBMIT**” and substitute “**(I) OBTAIN AN APPROPRIATE COUNTY LICENSE**

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BY SUBMITTING"; in lines 3, 4, 5, and 19, in each instance, strike "**COMPTROLLER**" and substitute "**CLERK**"; in line 4, strike the second "**AND**"; after line 4, insert:

"(II) INDICATE THE LICENSES FOR WHICH THE APPLICANT IS APPLYING; AND";

in line 5, strike "**(2)**" and substitute "**(III) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**"; in the same line, after "**\$25**" insert "**FOR EACH LICENSE FOR WHICH THE APPLICANT APPLIES**"; and after line 5, insert:

"(2) AN APPLICANT FOR A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER SHALL PAY TO THE CLERK A FEE OF \$150.

(3) A PERSON THAT IS ISSUED A LICENSE UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE TO ACT AS A CIGARETTE WHOLESALER OR OTHER TOBACCO PRODUCTS WHOLESALER OR TO ACT AS A CIGARETTE SUBWHOLESALER OR OTHER TOBACCO PRODUCTS SUBWHOLESALER IS NOT REQUIRED TO PAY THE LICENSE FEE FOR AN ELECTRONIC DELIVERY SYSTEM WHOLESALER DISTRIBUTOR OR AN ELECTRONIC NICOTINE DELIVERY SYSTEM WHOLESALER IMPORTER.

On pages 6 and 7, strike beginning with "**(C)**" in line 21 on page 6 down through "**FEE.**" in line 10 on page 7.

On page 7, in lines 11 and 13, strike "**(E)**" and "**(F)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 17, strike "**COMPTROLLER**" and substitute "**CLERK**"; in line 20, strike "**OR**"; in line 21, after "**WHOLESALER**" insert

(Over)

“DISTRIBUTOR, OR ELECTRONIC NICOTINE DELIVERY WHOLESALER IMPORTER”;
and after line 24, insert:

“(C) THE CLERK SHALL FORWARD A COPY OF AN APPLICATION RECEIVED FOR EACH LICENSE ISSUED UNDER THIS SECTION TO THE COMPTROLLER WITHIN 30 DAYS OF ISSUANCE OF THE LICENSE.”.

On page 8, in line 12, strike “AND”; in line 13, after “(4)” insert “IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER LICENSEE ALSO HOLDS A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR A VAPE SHOP VENDOR, TRANSFER ELECTRONIC NICOTINE DELIVERY SYSTEMS TO INVENTORY FOR SALE UNDER THE RETAIL LICENSE OR VAPE SHOP LICENSE; AND

(5)”;

in line 19, strike “AND”; in line 21, after “WHOLESALER” insert “DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER; AND

(3) IF THE ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER LICENSEE ALSO HOLDS A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER, SELL AT RETAIL ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURED UNDER THE MANUFACTURER LICENSE”;

in line 29, after “WHOLESALER” insert “DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER”; and in line 32, after “WHOLESALER” insert “DISTRIBUTOR LICENSE OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER”.

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On page 9, in lines 5 and 10, in each instance, after “**WHOLESALE**” insert “**DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER**”; in line 16, strike “**AND**”; and in line 17, after “**(2)**” insert “**IF THE VAPE SHOP VENDOR LICENSEE ALSO HOLDS A LICENSE TO ACT AS AN ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURER, SELL AT RETAIL ELECTRONIC NICOTINE DELIVERY SYSTEMS MANUFACTURED UNDER THE MANUFACTURER LICENSE; AND**

(3)”.

On page 10, in lines 11 and 23, in each instance, after “**WHOLESALE**” insert “**DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER**”; and in lines 12, 18, 23, 25, and 32, in each instance, strike “**COMPTROLLER**” and substitute “**CLERK**”.

On page 11, in lines 22, 25, and 29, in each instance, strike “**COMPTROLLER**” and substitute “**CLERK**”.

On page 12, in lines 6, 7, 9, 10, 12, 17, 22, and 29, in each instance, strike “**COMPTROLLER**” and substitute “**CLERK**”.

On page 13, in lines 4, 12, 14, and 24, in each instance, strike “**COMPTROLLER**” and substitute “**CLERK**”; strike in their entirety lines 20, 21, 30, and 31; and in lines 22 and 24, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively.

On page 14, in line 12, strike “, **OR**” and substitute “**DISTRIBUTOR, AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER, OR**”; strike beginning with “**A**” in line 2 down through “**16.7-212.**” in line 7; strike in their entirety lines 19 through 26, inclusive; in line 27, strike “**16.7-214.**” and substitute “**16.7-212.**”;

(Over)

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and in line 28, after “**WHOLESALE**” insert “**DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER**”.

On page 15, in lines 3, 25, and 28, in each instance, after “**WHOLESALE**” insert “**DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER**”.

On page 16, in line 2, after “**WHOLESALE**” insert “**DISTRIBUTOR OR ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALE IMPORTER**”; and strike beginning with “**16.7-215.**” in line 12 down through “**16.7-216.**” in line 25 and substitute “**16.7-213.**”.

On page 17, in line 19, strike “**COMPTROLLER**” and substitute “**CLERK**”.

On pages 17 and 18, strike beginning with “**16.7-217.**” in line 21 on page 17 down through “**16.7-218.**” in line 23 on page 18 and substitute “**16.7-214.**”.