

Chapter 199

(House Bill 47)

AN ACT concerning

**Electronic Nicotine Delivery Systems ~~Retailer License – Sales Through Mail or~~
~~Electronic Network~~ Licenses – Modifications**

FOR the purpose of authorizing the holder of an electronic nicotine delivery systems retailer license to make sales to consumers through the mail, a computer network, a telephonic network, or another electronic network; repealing a certain authorization relating to electronic nicotine delivery systems storage warehouses; authorizing the holder of an electronic nicotine delivery systems wholesaler distributor license or an electronic nicotine delivery systems wholesaler importer license to sell electronic nicotine delivery systems to vape shop vendors; authorizing the holder of a vape shop vendor license to buy electronic nicotine delivery systems from an electronic nicotine delivery systems wholesaler distributor or an electronic nicotine delivery systems wholesaler importer; making this Act an emergency measure; and generally relating to the sale of electronic nicotine delivery systems.

BY repealing and reenacting, with amendments,
 Article – Business Regulation
 Section 16.7–204(b), (c), and (d)(3)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

16.7–204.

(b) [(1)] An electronic nicotine delivery systems retailer license authorizes the licensee to:

[(i)] (1) [except as provided in paragraph (2) of this subsection,]
 sell electronic nicotine delivery systems to consumers;

[(ii)] (2) buy electronic nicotine delivery systems from an electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer;

[(iii)] (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; and

~~[(iv)] (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.

~~[(2)~~ An electronic nicotine delivery systems retailer license does not authorize the licensee to ship, sell, or cause to be shipped to a consumer who purchases or orders an electronic nicotine delivery system through the mail, a computer network, a telephonic network, or another electronic network.]

(c) An electronic nicotine delivery systems wholesaler distributor license or electronic nicotine delivery systems wholesaler importer license authorizes the licensee to:

(1) sell electronic nicotine delivery systems to electronic nicotine delivery systems retailers AND VAPE SHOP VENDORS;

(2) buy electronic nicotine delivery systems directly from an electronic nicotine delivery systems manufacturer and an electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer;

(3) hold electronic nicotine delivery systems; AND

(4) sell electronic nicotine delivery systems to another licensed electronic nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems wholesaler importer]; and

(5) store electronic nicotine delivery systems at a licensed electronic nicotine delivery systems storage warehouse].

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

(3) buy electronic nicotine delivery systems from an electronic nicotine delivery systems manufacturer, AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER DISTRIBUTOR, OR AN ELECTRONIC NICOTINE DELIVERY SYSTEMS WHOLESALER IMPORTER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 24, 2018.