

# HOUSE BILL 107

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(PRE-FILED)

1lr1346  
CF 1lr1676

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By: **Delegate R. Lewis**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prohibition on Vending Machine Sales of Drugs and Medicines – Repeal**

3 FOR the purpose of repealing the prohibition on the sale, distribution, or disposal of certain  
4 drugs, medicines, pharmaceutical preparations, and medical preparations by means  
5 of a vending machine or similar device; making conforming changes; and generally  
6 relating to the sale of drugs and medicines and vending machines and other similar  
7 devices.

8 BY repealing and reenacting, with amendments,  
9 Article – Business Regulation  
10 Section 3–103(b)  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2020 Supplement)

13 BY repealing  
14 Article – Health – General  
15 Section 21–1111  
16 Annotated Code of Maryland  
17 (2019 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Health – General  
20 Section 21–1204 and 21–1212  
21 Annotated Code of Maryland  
22 (2019 Replacement Volume and 2020 Supplement)

23 BY renumbering  
24 Article – Health – General  
25 Section 21–1112 through 21–1114, respectively  
26 to be Section 21–1111 through 21–1113, respectively

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2019 Replacement Volume and 2020 Supplement)

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

5 **Article – Business Regulation**

6 3–103.

7 (b) This title does not repeal or modify [§ 21–1112] § 21–1111 (“Medicine or  
8 patent medicine shows”) or § 21–1212 (“Violation of [§ 21–1112] § 21–1111”) of the Health  
9 – General Article.

10 **Article – Health – General**

11 [21–1111.

12 (a) This section does not apply to any:

13 (1) Surgical or dental instrument;

14 (2) Physical therapy equipment;

15 (3) X–ray apparatus; or

16 (4) Component part or accessory of any of these items.

17 (b) A person may not sell, distribute, or otherwise dispose of any drug, medicine,  
18 pharmaceutical preparation, or medicinal preparation by means of a vending machine or  
19 other similar device.

20 (c) By rule or regulation, the Secretary may exempt any commodity from the  
21 application of this section if the Secretary finds that the commodity may be dispensed by  
22 vending machine or other similar devices without danger to the public health.]

23 21–1204.

24 (a) A person who violates any provision of [the following sections] § 21–820 OF  
25 THIS TITLE is guilty of a misdemeanor and on conviction is subject to a fine not exceeding  
26 \$100[:

27 (1) § 21–820 of this title; and

28 (2) § 21–1111 of this title].

1 (b) For purposes of this section, each day that a violation continues constitutes a  
2 separate offense.

3 21-1212.

4 A person who violates any provision of [~~§ 21-1112~~] **§ 21-1111** of this title is guilty  
5 of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment  
6 not exceeding 1 year or both.

7 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 21-1112 through  
8 21-1114, respectively, of Article – Health – General of the Annotated Code of Maryland be  
9 renumbered to be Section(s) 21-1111 through 21-1113, respectively.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2021.