

HOUSE BILL 828

J1, E4

9lr0581

By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – No So–Called Sexual Stimulant Pills For Kids Act**

3 **MC 908–09**

4 FOR the purpose of prohibiting in Montgomery County the sale or offer for sale to
5 minors of products labeled and marketed as sexual stimulant pills, with a
6 certain exception; requiring retailers in Montgomery County to display and
7 store certain products in a certain manner; requiring the Secretary of Health
8 and Mental Hygiene to adopt certain regulations; establishing certain penalties;
9 and generally relating to the sale of products marketed as sexual stimulant pills
10 in Montgomery County.

11 BY adding to

12 Article – Health – General

13 Section 24–304

14 Annotated Code of Maryland

15 (2005 Replacement Volume and 2008 Supplement)

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

18 **Article – Health – General**

19 **24–304.**

20 (A) **IN MONTGOMERY COUNTY, EXCEPT ON A VALID PRESCRIPTION OF**
21 **AN AUTHORIZED PRESCRIBER AS DEFINED IN § 12–101 OF THE HEALTH**
22 **OCCUPATIONS ARTICLE, A PERSON MAY NOT KNOWINGLY SELL OR OFFER FOR**
23 **SALE TO A MINOR A PRODUCT THAT IS LABELED AND MARKETED AS A SEXUAL**
24 **STIMULANT PILL.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) EACH RETAILER IN MONTGOMERY COUNTY THAT SELLS OR OFFERS**
2 **FOR SALE PRODUCTS THAT ARE LABELED AND MARKETED AS SEXUAL**
3 **STIMULANT PILLS SHALL DISPLAY AND STORE THE PRODUCTS SO THAT THE**
4 **PRODUCTS ARE ACCESSIBLE ONLY TO THE RETAILER OR AGENT OR EMPLOYEE**
5 **OF THE RETAILER AND ARE OUT OF REACH OF MINORS.**

6 **(C) THE SECRETARY SHALL:**

7 **(1) DEFINE PRODUCTS THAT ARE COVERED BY THE PROHIBITION**
8 **UNDER SUBSECTION (A) OF THIS SECTION; AND**

9 **(2) ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

10 **(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL**
11 **PENALTY OF:**

12 **(1) \$300 FOR A FIRST VIOLATION; AND**

13 **(2) \$500 FOR A SUBSEQUENT VIOLATION WITHIN A 24-MONTH**
14 **PERIOD AFTER THE PREVIOUS VIOLATION.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.