

HOUSE BILL 720

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By: **Delegates Bobo and Frush**

Introduced and read first time: February 5, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Nontobacco Nicotine Products**

3 FOR the purpose of prohibiting a person from selling, distributing, or offering for sale
4 certain products that contain or deliver nicotine for human consumption;
5 making the violation of a certain provision of law a misdemeanor subject to a
6 certain fine; providing for the application of this Act; and generally relating to
7 nontobacco nicotine products.

8 BY adding to
9 Article – Health – General
10 Section 24–304
11 Annotated Code of Maryland
12 (2009 Replacement Volume)

13 Preamble

14 WHEREAS, The marketing and sale of nontobacco products containing nicotine
15 can help introduce youth to the use of tobacco products, which has a high probability of
16 resulting in nicotine addiction; and

17 WHEREAS, These negative effects are especially pronounced because current
18 marketing practice often results in flavors being added to the products, which further
19 attracts youth; and

20 WHEREAS, Maryland can take direct action to prevent or reduce the negative
21 health implications caused by the introduction of new nicotine products and the
22 accompanying marketing that targets the products to our youth; now, therefore,

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

24-304.

(A) THIS SECTION DOES NOT APPLY TO A TOBACCO PRODUCT THAT IS REGULATED UNDER TITLE 16 OF THE BUSINESS REGULATION ARTICLE.

(B) A PERSON MAY NOT SELL, DISTRIBUTE, OR OFFER FOR SALE A PRODUCT, OR ANY PART OF A PRODUCT, THAT:

(1) CONTAINS OR DELIVERS NICOTINE INTENDED FOR HUMAN CONSUMPTION; AND

(2) HAS NOT BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

(C) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.