

HOUSE BILL 1272

J1, C2

2lr1308

By: **Delegates A. Miller, Cullison, Reznik, S. Robinson, and Washington**

Introduced and read first time: February 13, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, February 27, 2012

Committee Report: Favorable

House action: Adopted

Read second time: March 30, 2012

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Electronic Cigarettes – Distribution to Minors Prohibited**

3 FOR the purpose of prohibiting a person from selling, distributing, or offering for sale
4 to a minor certain electronic devices that can be used to deliver nicotine to the
5 individual inhaling from the device; providing a certain exception to the
6 prohibition; providing that a violation of this Act is a misdemeanor subject to a
7 certain fine; establishing a certain defense for a violation of this Act; providing
8 for the application of this Act; and generally relating to prohibiting the sale,
9 distribution, or offer for sale of electronic devices that deliver nicotine to minors.

10 BY adding to

11 Article – Health – General

12 Section 24–305

13 Annotated Code of Maryland

14 (2009 Replacement Volume and 2011 Supplement)

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

17 **Article – Health – General**

18 **24–305.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
4 **SUBSECTION, A PERSON MAY NOT SELL, DISTRIBUTE, OR OFFER FOR SALE TO A**
5 **MINOR AN ELECTRONIC DEVICE THAT CAN BE USED TO DELIVER NICOTINE TO**
6 **THE INDIVIDUAL INHALING FROM THE DEVICE, INCLUDING AN ELECTRONIC**
7 **CIGARETTE, CIGAR, CIGARILLO, OR PIPE.**

8 **(2) THIS SUBSECTION DOES NOT APPLY TO A NICOTINE DEVICE**
9 **THAT CONTAINS OR DELIVERS NICOTINE INTENDED FOR HUMAN CONSUMPTION**
10 **IF THE DEVICE HAS BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG**
11 **ADMINISTRATION.**

12 **(C) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A**
13 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
14 **\$1,000 FOR EACH VIOLATION.**

15 **(D) IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, IT IS A**
16 **DEFENSE THAT THE DEFENDANT EXAMINED THE PURCHASER'S OR RECIPIENT'S**
17 **DRIVER'S LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN EMPLOYER,**
18 **GOVERNMENT UNIT, OR INSTITUTION OF HIGHER EDUCATION THAT POSITIVELY**
19 **IDENTIFIED THE PURCHASER OR RECIPIENT AS AT LEAST 18 YEARS OF AGE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.