

SENATE BILL 90

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EMERGENCY BILL
(PRE-FILED)

8lr0959
CF HB 47

By: **Senator Middleton**

Requested: October 25, 2017

Introduced and read first time: January 10, 2018

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 30, 2018

CHAPTER _____

1 AN ACT concerning

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

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

15 BY repealing and reenacting, with amendments,
16 Article – Business Regulation
17 Section 16.7–204(b), (c), and (d)(3)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2017 Supplement)

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

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 **Article – Business Regulation**

2 16.7–204.

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

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

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

10 [(iii)] (3) if the electronic nicotine delivery systems retailer licensee
11 also holds a license to act as an electronic nicotine delivery systems manufacturer, sell at
12 retail electronic nicotine delivery systems manufactured under the manufacturer license;
13 and

14 [(iv)] (4) except as otherwise prohibited or restricted under local
15 law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article,
16 distribute sample electronic nicotine delivery systems products to consumers in the State.

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

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

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

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

28 (3) hold electronic nicotine delivery systems; AND

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.