

# HOUSE BILL 1374

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By: **Delegate Ciliberti**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Smoking Devices – Artificial or Natural Flavoring – Prohibition**

3 FOR the purpose of prohibiting a person from shipping, importing, or selling into or within  
4 the State an electronic smoking device to which a certain artificial or natural  
5 flavoring is added; providing that a person that violates the prohibition on shipping,  
6 importing, or selling into or within the State an electronic smoking device to which  
7 an artificial or natural flavoring has been added is subject to a certain civil penalty;  
8 and generally relating to a prohibition against electronic smoking devices that  
9 contain an added flavoring.

10 BY repealing and reenacting, with amendments,  
11 Article – Business Regulation  
12 Section 16.7–213  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Business Regulation  
17 Section 16.7–214  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2019 Supplement)

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

22 **Article – Business Regulation**

23 16.7–213.

24 (a) A person may not ship, import, or sell into or within the State any electronic  
25 smoking devices unless the person holds any license required by this subtitle.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person that ships, imports, or sells electronic smoking devices into or within  
2 the State:

3 (1) shall comply with any federal and State requirements concerning the  
4 placement of warning labels or other information on the containers or individual packages  
5 of electronic smoking devices; and

6 (2) shall ensure that the containers or individual packages of electronic  
7 smoking devices do not contain any information or markings that are false, misleading, or  
8 contrary to:

9 (i) federal trademark laws; or

10 (ii) the trademark law of the State under Title 1, Subtitle 4 of this  
11 article.

12 (c) **A PERSON MAY NOT SHIP, IMPORT, OR SELL INTO OR WITHIN THE STATE**  
13 **ANY ELECTRONIC SMOKING DEVICE TO WHICH AN ARTIFICIAL OR NATURAL**  
14 **FLAVORING, OTHER THAN TOBACCO, IS ADDED TO IMPART A PARTICULAR AROMA**  
15 **OR TASTE.**

16 (D) A person that ships, imports, or sells electronic smoking devices into or within  
17 the State in violation of this section is subject to:

18 (1) disciplinary action by the Comptroller under § 16.7–207 of this subtitle;

19 (2) **A CRIMINAL PENALTY UNDER § 16.7–214 OF THIS SUBTITLE; OR**

20 (3) **A CIVIL PENALTY OF UP TO \$5,000 FOR EACH VIOLATION.**

21 16.7–214.

22 Unless otherwise specified in this title, a person that violates any provision of this  
23 title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000  
24 or imprisonment not exceeding 30 days or both.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2020.