

Chapter 497

(Senate Bill 499)

AN ACT concerning

Prohibition on Vending Machine Sales of Drugs and Medicines – Repeal

FOR the purpose of repealing the prohibition on the sale, distribution, or disposal of certain drugs, medicines, pharmaceutical preparations, and medical preparations by means of a vending machine or similar device; making conforming changes; and generally relating to the sale of drugs and medicines and vending machines and other similar devices.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 3–103(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing
Article – Health – General
Section 21–1111
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–1204 and 21–1212
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY renumbering
Article – Health – General
Section 21–1112 through 21–1114, respectively
to be Section 21–1111 through 21–1113, respectively
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

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

Article – Business Regulation

3–103.

(b) This title does not repeal or modify [§ 21–1112] § 21–1111 (“Medicine or patent medicine shows”) or § 21–1212 (“Violation of [§ 21–1112] § 21–1111”) of the Health – General Article.

Article – Health – General

[21–1111.

(a) This section does not apply to any:

- (1) Surgical or dental instrument;
- (2) Physical therapy equipment;
- (3) X–ray apparatus; or
- (4) Component part or accessory of any of these items.

(b) A person may not sell, distribute, or otherwise dispose of any drug, medicine, pharmaceutical preparation, or medicinal preparation by means of a vending machine or other similar device.

(c) By rule or regulation, the Secretary may exempt any commodity from the application of this section if the Secretary finds that the commodity may be dispensed by vending machine or other similar devices without danger to the public health.]

21–1204.

(a) A person who violates any provision of [the following sections] § 21–820 OF THIS TITLE is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100[:

- (1) § 21–820 of this title; and
- (2) § 21–1111 of this title].

(b) For purposes of this section, each day that a violation continues constitutes a separate offense.

21–1212.

A person who violates any provision of [§ 21–1112] § 21–1111 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 1 year or both.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 21–1112 through 21–1114, respectively, of Article – Health – General of the Annotated Code of Maryland be renumbered to be Section(s) 21–1111 through 21–1113, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.