

# HOUSE BILL 1180

C2, E1, J2

4lr2630  
CF SB 1056

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By: **Delegate Wilson**

Introduced and read first time: February 8, 2024

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Cigarettes, Other Tobacco Products, and Electronic Smoking Devices –**  
3 **Revisions**  
4 **(Tobacco Retail Modernization Act of 2024)**

5 FOR the purpose of prohibiting licensees that sell cigarettes, other tobacco products, or  
6 electronic smoking devices at retail from displaying cigarettes, other tobacco  
7 products, or electronic smoking devices for sale unless located behind a counter;  
8 requiring certain licensed retailers to verify an individual’s date of birth before  
9 selling cigarettes, other tobacco products, or electronic smoking devices in a certain  
10 manner; altering the application fee for a county license to sell cigarettes or tobacco  
11 products at retail; repealing certain exceptions that authorize the sale, distribution,  
12 or purchase of tobacco products, tobacco paraphernalia, and electronic smoking  
13 devices to or for individuals under a certain age who are active duty military  
14 members; requiring the Maryland Department of Health to conduct ~~at least two~~  
15 certain unannounced inspections of certain licensed retailers each year; ~~repealing~~  
16 the electronic smoking device retail license; altering the definition of “vape shop  
17 vendor” to require that the vendor ~~exclusively~~ sell electronic smoking devices and  
18 related accessories to consumers on the premises of its place of business; ~~requiring~~  
19 certain licensees to obtain an additional license in order to manufacture, distribute,  
20 or sell electronic smoking devices; altering the penalty for distributing tobacco  
21 products or tobacco paraphernalia to an individual under a certain age; authorizing  
22 the court to make certain recommendations to the Executive Director of the Alcohol,  
23 Tobacco, and Cannabis Commission regarding the suspension of certain licenses;  
24 prohibiting a pharmacy from selling tobacco products, other tobacco products, and  
25 electronic smoking devices; requiring the Alcohol, Tobacco, and Cannabis

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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 Commission, in conjunction with the Maryland Department of Health, the  
 2 Comptroller, and the State Department of Education, to submit a certain report on  
 3 or before a certain date; and generally relating to the sale of cigarettes, other tobacco  
 4 products, and electronic smoking devices.

5 BY repealing and reenacting, without amendments,  
 6 Article – Business Regulation  
 7 Section 16–201(a), (d), and (k) ~~and~~, 16.5–101(a), (f), (j), and (l), 16.7–203, 16.7–206,  
 8 and 16.7–211  
 9 Annotated Code of Maryland  
 10 (2015 Replacement Volume and 2023 Supplement)

11 BY adding to  
 12 Article – Business Regulation  
 13 Section 16–209.1, 16.5–214.2, and 16.7–204.2  
 14 Annotated Code of Maryland  
 15 (2015 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,  
 17 Article – Business Regulation  
 18 Section 16–302, 16–308.3, 16.5–217.1, 16.7–101, ~~16.7–102, 16.7–201,~~ 16.7–202,  
 19 ~~16.7–203,~~ 16.7–204, 16.7–204.1, ~~16.7–206, 16.7–211,~~ and 16.7–213.1  
 20 Annotated Code of Maryland  
 21 (2015 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,  
 23 Article – Criminal Law  
 24 Section 10–107  
 25 Annotated Code of Maryland  
 26 (2021 Replacement Volume and 2023 Supplement)

27 BY repealing and reenacting, with amendments,  
 28 Article – Health – General  
 29 Section 24–305 and 24–307  
 30 Annotated Code of Maryland  
 31 (2023 Replacement Volume)

32 ~~BY repealing and reenacting, with amendments,~~  
 33 ~~Article – Health Occupations~~  
 34 ~~Section 12–403(e)(22) and (23)~~  
 35 ~~Annotated Code of Maryland~~  
 36 ~~(2021 Replacement Volume and 2023 Supplement)~~

37 ~~BY adding to~~  
 38 ~~Article – Health Occupations~~  
 39 ~~Section 12–403(e)(24)~~  
 40 ~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2023 Supplement)~~

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

**Article – Business Regulation**

16–201.

(a) In this subtitle the following words have the meanings indicated.

(d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(k) “Retailer” means a person who:

(1) sells cigarettes to consumers through vending machines on fewer than 40 premises;

(2) otherwise sells cigarettes to consumers; or

(3) holds cigarettes for sale to consumers.

**16–209.1.**

**(A) A LICENSED RETAILER MAY NOT DISPLAY CIGARETTES FOR SALE UNLESS THE CIGARETTES ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE LICENSED RETAILER AND EMPLOYEES OF THE LICENSED RETAILER.**

**(B) (1) A LICENSED RETAILER MAY NOT SELL CIGARETTES TO AN INDIVIDUAL UNLESS THE LICENSED RETAILER VERIFIES, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THAT THE INDIVIDUAL IS:**

~~(I) AT LEAST 21 YEARS OLD; OR~~

~~(II) 1. AT LEAST 18 YEARS OLD; AND~~

~~2. AN ACTIVE DUTY MEMBER OF THE MILITARY IN POSSESSION OF A VALID MILITARY IDENTIFICATION.~~

**(2) A SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LICENSED RETAILER MAY VERIFY AN INDIVIDUAL’S AGE ONLY:**

**(I) BY MEANS OF A GOVERNMENT–ISSUED PHOTO IDENTIFICATION CONTAINING THE INDIVIDUAL’S DATE OF BIRTH; AND**

1 (II) IN A DIRECT FACE-TO-FACE EXCHANGE WITHOUT THE  
2 ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.

3 (3) A LICENSED RETAILER IS NOT REQUIRED TO VERIFY THE AGE OF  
4 AN INDIVIDUAL AT LEAST 30 YEARS OLD.

5 16-302.

6 (a) For each county license, an applicant shall:

7 (1) submit an application to the clerk; and

8 (2) pay to the clerk a license fee of[:

9 (i) \$25 in a county other than Cecil County or Montgomery County;

10 (ii) \$50 in Cecil County; or

11 (iii) \$125 in Montgomery County] **\$300.**

12 (b) (1) From each license fee collected under subsection (a) of this section, the  
13 [Clerk of the Circuit Court for Montgomery County] CLERK shall distribute:

14 (i) \$25 to the Executive Director; ~~and~~

15 (ii) ~~\$100~~ IN MONTGOMERY COUNTY, \$275 to [Montgomery  
16 County] THE COUNTY to be used to enforce existing laws banning the sale or distribution  
17 of tobacco ~~or~~, tobacco products, OR ELECTRONIC SMOKING DEVICES, AS DEFINED IN §  
18 16.7-101 OF THIS ARTICLE, to individuals under the age of 21 years; AND

19 (III) IN ALL OTHER COUNTIES, \$275 TO THE MARYLAND  
20 DEPARTMENT OF HEALTH TO BE USED BY THE DEPARTMENT OR ITS DESIGNEE TO  
21 ENFORCE EXISTING LAWS PROHIBITING THE SALE OR DISTRIBUTION OF TOBACCO,  
22 TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES, AS DEFINED IN §  
23 16.7-101 OF THIS ARTICLE, TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.

24 (2) Funds distributed under paragraph (1)(ii) of this subsection may not be  
25 used to supplant existing funding for the enforcement of laws banning the sale or  
26 distribution of tobacco or tobacco products to individuals under the age of 21 years.

27 16-308.3.

28 (a) (1) ~~The~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
29 Maryland Department of Health OR ITS DESIGNEE [may] SHALL conduct AT LEAST TWO

1 ~~ONE~~ unannounced ~~inspections~~ INSPECTION of a licensed retailer to ensure the licensee's  
2 compliance with the provisions of this title and § 10-107 of the Criminal Law Article **EACH**  
3 **YEAR**.

4 **(2) IF A LICENSED RETAILER VIOLATES ANY PROVISION OF THIS**  
5 **TITLE OR § 10-107 OF THE CRIMINAL LAW ARTICLE, THE MARYLAND DEPARTMENT**  
6 **OF HEALTH SHALL CONDUCT AN ADDITIONAL UNANNOUNCED INSPECTION WITHIN**  
7 **180 DAYS AFTER THE INITIAL INSPECTION.**

8 (b) The Maryland Department of Health OR ITS DESIGNEE may use an  
9 individual under the age of 21 years to assist in conducting an inspection under this section.

10 **(C) TO DETERMINE THE LOCATION OF A LICENSED RETAILER SUBJECT TO**  
11 **AN UNANNOUNCED INSPECTION, THE MARYLAND DEPARTMENT OF HEALTH OR ITS**  
12 **DESIGNEE SHALL USE THE LIST OF LICENSED RETAILERS AS OF DECEMBER 31 OF**  
13 **THE PREVIOUS CALENDAR YEAR.**

14 16.5-101.

15 (a) In this title the following words have the meanings indicated.

16 (f) "Licensed other tobacco products retailer" means a person licensed by the  
17 clerk under § 16.5-204(b) of this title to act as an other tobacco products retailer.

18 (j) (1) "Other tobacco products" means, except as provided in paragraph (3) of  
19 this subsection, a product that is:

20 (i) intended for human consumption or likely to be consumed,  
21 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested in any other  
22 manner, and that is made of or derived from, or that contains:

23 1. tobacco; or

24 2. nicotine; or

25 (ii) a component or part used in a consumable product described  
26 under item (i) of this paragraph.

27 (2) "Other tobacco products" includes:

28 (i) cigars, premium cigars, pipe tobacco, chewing tobacco, snuff, and  
29 snus; and

30 (ii) filters, rolling papers, pipes, and hookahs.

31 (3) "Other tobacco products" does not include:

- 1 (i) cigarettes;
- 2 (ii) electronic smoking devices;
- 3 (iii) drugs, devices, or combination products authorized for sale by  
4 the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act;  
5 or
- 6 (iv) tobacco pipes, as defined under § 11-104 of the Tax – General  
7 Article.

8 (l) “Other tobacco products retailer” means a person who:

- 9 (1) sells other tobacco products to consumers; or
- 10 (2) holds other tobacco products for sale to consumers.

11 **16.5-214.2.**

12 (A) **(1) THIS SUBSECTION DOES NOT APPLY TO:**

13 **(I) A LICENSED TOBACCONIST; OR**

14 **(II) THE SALE OF PREMIUM CIGARS.**

15 **(2) A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY NOT**  
16 **DISPLAY OTHER TOBACCO PRODUCTS FOR SALE UNLESS THE OTHER TOBACCO**  
17 **PRODUCTS ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE**  
18 **LICENSED OTHER TOBACCO PRODUCTS RETAILER AND EMPLOYEES OF THE**  
19 **LICENSED OTHER TOBACCO PRODUCTS RETAILER.**

20 **(B) (1) A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY NOT**  
21 **SELL ~~CIGARETTES~~ OTHER TOBACCO PRODUCTS TO AN INDIVIDUAL UNLESS THE**  
22 **LICENSED OTHER TOBACCO PRODUCTS RETAILER VERIFIES, IN ACCORDANCE WITH**  
23 **PARAGRAPH (2) OF THIS SUBSECTION, THAT THE INDIVIDUAL IS:**

24 **~~(I) AT LEAST 21 YEARS OLD; OR~~**

25 **~~(II) 1. AT LEAST 18 YEARS OLD; AND~~**

26 **~~2. AN ACTIVE DUTY MEMBER OF THE MILITARY IN~~**  
27 **~~POSSESSION OF A VALID MILITARY IDENTIFICATION.~~**

1           **(2) A EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**  
2 **A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY VERIFY AN INDIVIDUAL'S**  
3 **AGE ONLY:**

4           **(I) BY MEANS OF A GOVERNMENT-ISSUED PHOTO**  
5 **IDENTIFICATION CONTAINING THE INDIVIDUAL'S DATE OF BIRTH; AND**

6           **(II) IN A DIRECT FACE-TO-FACE EXCHANGE WITHOUT THE**  
7 **ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.**

8           **(3) A LICENSED OTHER TOBACCO PRODUCTS RETAILER IS NOT**  
9 **REQUIRED TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.**

10 16.5-217.1.

11           **(a) (1) The SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
12 **Maryland Department of Health OR ITS DESIGNEE [may] SHALL conduct AT LEAST ~~TWO~~**  
13 **ONE unannounced ~~inspections~~ INSPECTION of a licensed retailer to ensure the licensee's**  
14 **compliance with the provisions of this title and § 10-107 of the Criminal Law Article EACH**  
15 **YEAR.**

16           **(2) IF A LICENSED RETAILER VIOLATES ANY PROVISION OF THIS**  
17 **TITLE OR § 10-107 OF THE CRIMINAL LAW ARTICLE, THE MARYLAND DEPARTMENT**  
18 **OF HEALTH SHALL CONDUCT AN ADDITIONAL UNANNOUNCED INSPECTION WITHIN**  
19 **180 DAYS AFTER THE INITIAL INSPECTION.**

20           **(b) The Maryland Department of Health OR ITS DESIGNEE may use an**  
21 **individual under the age of 21 years to assist in conducting an inspection under this section.**

22           **(c) TO DETERMINE THE LOCATION OF A LICENSED RETAILER SUBJECT TO**  
23 **AN UNANNOUNCED INSPECTION, THE MARYLAND DEPARTMENT OF HEALTH OR ITS**  
24 **DESIGNEE SHALL USE THE LIST OF LICENSED RETAILERS AS OF DECEMBER 31 OF**  
25 **THE PREVIOUS CALENDAR YEAR.**

26 16.7-101.

27           **(a) In this title the following words have the meanings indicated.**

28           **(b) "County license" means a license issued by the clerk to sell electronic smoking**  
29 **devices to consumers in a county.**

30           **(c) (1) "Electronic smoking device" means a device that can be used to deliver**  
31 **aerosolized or vaporized nicotine to an individual inhaling from the device.**

32           **(2) "Electronic smoking device" includes:**

1 (i) an electronic cigarette, an electronic cigar, an electronic cigarillo,  
2 an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and

3 (ii) except as provided in paragraph (3) of this subsection, any  
4 component, part, or accessory of such a device regardless of whether or not it is sold  
5 separately, including any substance intended to be aerosolized or vaporized during use of  
6 the device.

7 (3) “Electronic smoking device” does not include:

8 (i) a drug, device, or combination product authorized for sale by the  
9 U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act; or

10 (ii) a battery or battery charger when sold separately.

11 (d) “Electronic smoking devices manufacturer” means a person that:

12 (1) manufactures, mixes, or otherwise produces electronic smoking devices  
13 intended for sale in the State, including electronic smoking devices intended for sale in the  
14 United States through an importer; and

15 (2) (i) ~~f~~ sells electronic smoking devices to a consumer, if the consumer  
16 purchases or orders the devices through the mail, a computer network, a telephonic  
17 network, or another electronic network, a licensed electronic smoking devices wholesaler  
18 distributor, or a licensed electronic smoking devices wholesaler importer in the State;

19 (ii) ~~f~~ if the electronic smoking devices manufacturer also holds a  
20 license to act as ~~f~~an electronic smoking devices retailer or ~~f~~ a vape shop vendor, sells  
21 electronic smoking devices **IN THE SAME MANNER AS A VAPE SHOP VENDOR** to  
22 consumers located in the State; or

23 ~~f~~(iii) ~~(H)~~ unless otherwise prohibited or restricted under local law,  
24 this article, or the Criminal Law Article, distributes sample electronic smoking devices to  
25 a licensed ~~f~~electronic smoking devices retailer or ~~f~~ vape shop vendor.

26 ~~f~~(e) “Electronic smoking devices retailer” means a person that:

27 (1) sells electronic smoking devices to consumers;

28 (2) holds electronic smoking devices for sale to consumers; or

29 (3) unless otherwise prohibited or restricted under local law, this article,  
30 the Criminal Law Article, or § 24–305 of the Health – General Article, distributes sample  
31 electronic smoking devices to consumers in the State.~~f~~



1       ~~[(f)]~~ ~~(F)~~       “Electronic smoking devices wholesaler distributor” means a person  
2 that:

3                   (1)       obtains at least 70% of its electronic smoking devices from a holder of  
4 an electronic smoking devices manufacturer license under this subtitle or a business entity  
5 located in the United States; and

6                   (2)       (i)       holds electronic smoking devices for sale to another person for  
7 resale; or

8                               (ii)       sells electronic smoking devices to another person for resale.

9       ~~[(g)]~~ ~~(G)~~       “Electronic smoking devices wholesaler importer” means a person that:

10                   (1)       obtains at least 70% of its electronic smoking devices from a business  
11 entity located in a foreign country; and

12                   (2)       (i)       holds electronic smoking devices for sale to another person for  
13 resale; or

14                               (ii)       sells electronic smoking devices to another person for resale.

15       ~~[(h)]~~ ~~(H)~~       “Executive Director” means the Executive Director of the Alcohol [and],  
16 Tobacco, **AND CANNABIS** Commission.

17       ~~[(i)]~~ ~~(I)~~       “License” means:

18                   (1)       a license issued by the Executive Director under § 16.7–203(a) of this  
19 title to:

20                               (i)       act as a licensed electronic smoking devices manufacturer;

21                               (ii)       act as a licensed electronic smoking devices wholesaler  
22 distributor; or

23                               (iii)       act as a licensed electronic smoking devices wholesaler importer;  
24 or

25                   (2)       a license issued by the clerk under § 16.7–203(b) of this title to~~;~~

26                               (i)       act as a licensed electronic smoking devices retailer; or

27                               (ii)~~;~~       act as a licensed vape shop vendor.

28       ~~[(j)]~~ ~~(J)~~       “Sell” means to exchange or transfer, or to agree to exchange or  
29 transfer, title or possession of property, in any manner or by any means, for consideration.

1        ~~[(k)] (j)~~        “Vape shop vendor” means an electronic smoking devices business that  
 2 [derives at least 70% of its revenues, measured by average daily receipts, from the sale of]  
 3 ~~EXCLUSIVELY SELLS~~ electronic smoking devices and related accessories **TO CONSUMERS**  
 4 **ON THE PREMISES OF ITS PLACE OF BUSINESS.**

5        ~~[(l)] (k)~~        “Vaping liquid” means a liquid that:  
 6                    (1)        consists of propylene glycol, vegetable glycerin, or other similar  
 7 substance;  
 8                    (2)        may or may not contain natural or artificial flavors;  
 9                    (3)        may or may not contain nicotine; and  
 10                    (4)        converts to vapor intended for inhalation when heated in an electronic  
 11 device.

12 ~~16.7 102.~~

13        ~~(a)        The Executive Director may delegate any power or duty of the Executive~~  
 14 ~~Director under this title.~~

15        ~~(b)        Any person licensed under Title 16 or Title 16.5 of this article, or an affiliate,~~  
 16 ~~as defined under § 16 402(c) of this article, of a person licensed under Title 16 of this~~  
 17 ~~article]:~~

18                    ~~(1)        is authorized to manufacture, distribute, or sell electronic smoking~~  
 19 ~~devices pursuant to this title in the same capacity as the person is licensed under Title 16~~  
 20 ~~or Title 16.5 of this article; and~~

21                    ~~(2)        may not be required to] MUST obtain an additional license under this~~  
 22 ~~title IN ORDER TO MANUFACTURE, DISTRIBUTE, OR SELL ELECTRONIC SMOKING~~  
 23 ~~DEVICES PURSUANT TO THIS TITLE.~~

24 ~~16.7 201.~~

25        ~~[(a)]~~ A person must hold an appropriate license before the person may act as:

26                    ~~(1)        an electronic smoking devices manufacturer;~~

27                    ~~(2)        [an electronic smoking devices retailer;~~

28                    ~~(3)]        an electronic smoking devices wholesaler distributor;~~

29                    ~~[(4)] (3)~~        an electronic smoking devices wholesaler importer; or

1           ~~[(5)] (4) a vape shop vendor.~~

2           ~~[(b) A place of business in which a person acts as an electronic smoking devices~~  
3 ~~retailer or a vape shop vendor must hold an appropriate license.]~~

4 16.7-202.

5           (a) (1) An applicant for a license to act as an electronic smoking devices  
6 manufacturer, electronic smoking devices wholesaler distributor, or electronic smoking  
7 devices wholesaler importer shall:

8                           (i) obtain an appropriate county license by submitting an  
9 application to the Executive Director on the form and containing the information that the  
10 Executive Director requires;

11                           (ii) indicate the licenses for which the applicant is applying; and

12                           (iii) except as provided in paragraph (2) of this subsection, pay to the  
13 Executive Director a fee of \$25 for each license for which the applicant applies.

14                           (2) An applicant for a license to act as an electronic smoking devices  
15 wholesaler distributor or electronic smoking devices wholesaler importer shall pay to the  
16 Executive Director a fee of \$150.

17           (b) (1) An applicant for a license to act as ~~an~~ an electronic smoking devices  
18 retailer or ~~a~~ a vape shop vendor:

19                           (i) shall obtain a county license by submitting to the clerk an  
20 application for each permanent or temporary place of business located in the same  
21 enclosure and operated by the same applicant; and

22                           (ii) except as provided in paragraph (2) of this subsection, shall pay  
23 to the clerk a fee of ~~\$25~~ **\$300**.

24                           (2) The application shall:

25                                   (i) be made on the form that the clerk requires; and

26                                   (ii) contain the information that the Executive Director requires.

27                           **(3) (1) FROM EACH LICENSE FEE COLLECTED UNDER THIS**  
28 **SUBSECTION, THE CLERK SHALL DISTRIBUTE:**

29   **1. \$25 TO THE EXECUTIVE DIRECTOR; AND**

1                                   **2.     \$275 TO THE MARYLAND DEPARTMENT OF HEALTH**  
 2 **TO BE USED BY THE DEPARTMENT OR ITS DESIGNEE TO ENFORCE EXISTING LAWS**  
 3 **PROHIBITING THE SALE OR DISTRIBUTION OF TOBACCO, TOBACCO PRODUCTS, OR**  
 4 **ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7–101 OF THIS ARTICLE, TO**  
 5 **INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

6                                   **(ii)   FUNDS DISTRIBUTED UNDER THIS SUBSECTION MAY NOT BE**  
 7 **USED TO SUPPLANT EXISTING FUNDING FOR THE ENFORCEMENT OF LAWS BANNING**  
 8 **THE SALE OR DISTRIBUTION OF TOBACCO, TOBACCO PRODUCTS, OR ELECTRONIC**  
 9 **SMOKING DEVICES TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

10           (c)    A licensee shall display a license in the way that the Executive Director  
 11 requires by regulation.

12           (d)    If a person has had a license revoked under § 16.7–207 of this subtitle, the  
 13 person may not reapply for a license within 1 year after the date when the prior license was  
 14 revoked.

15 16.7–203.

16           (a)    The Executive Director shall issue an appropriate license to each applicant  
 17 that meets the requirements of this subtitle for a license to act as an electronic smoking  
 18 devices manufacturer, electronic smoking devices wholesaler distributor, or electronic  
 19 smoking devices wholesaler importer.

20           (b)    The clerk shall issue to each applicant that meets the requirements of this  
 21 subtitle a license to act as ~~an~~ electronic smoking devices retailer ~~or~~ a vape shop vendor.

22           (c)    The clerk shall forward a copy of an application received for each license  
 23 issued under subsection (b) of this section to the Executive Director within 30 days after  
 24 issuance of the license.

25 16.7–204.

26           (a)    An electronic smoking devices manufacturer license authorizes the licensee  
 27 to:

28                   (1)    sell electronic smoking devices to:

29                                   (i)    a licensed electronic smoking devices wholesaler located in the  
 30 State;

31                                   (ii)   an electronic smoking devices wholesaler or retailer located  
 32 outside the State if the electronic smoking devices may be sold lawfully in Maryland;

33                                   (iii)   a licensed vape shop vendor~~;~~ and

1 (iv) a consumer if:

2 1. the licensee manufactured the devices; and

3 2. the consumer purchases or orders the devices through the  
4 mail, a computer network, a telephonic network, or another electronic network~~;~~;

5 (2) if the electronic smoking devices manufacturer licensee also holds a  
6 license to act as ~~an electronic smoking devices retailer or~~ a vape shop vendor, transfer  
7 electronic smoking devices to inventory for sale under the ~~retail license or~~ vape shop  
8 license; and

9 (3) except as otherwise prohibited or restricted under local law, this article,  
10 or the Criminal Law Article, distribute electronic smoking devices products to a licensed  
11 ~~electronic smoking devices retailer or~~ vape shop vendor.

12 ~~(b)~~ An electronic smoking devices retailer license authorizes the licensee to:

13 (1) sell electronic smoking devices to consumers;

14 (2) buy electronic smoking devices from an electronic smoking devices  
15 wholesaler distributor or electronic smoking devices wholesaler importer;

16 (3) if the electronic smoking devices retailer licensee also holds a license to  
17 act as an electronic smoking devices manufacturer, sell at retail electronic smoking devices  
18 manufactured under the manufacturer license; and

19 (4) except as otherwise prohibited or restricted under local law, this article,  
20 the Criminal Law Article, or § 24–305 of the Health – General Article, distribute sample  
21 electronic smoking devices products to consumers in the State.~~;~~

22 ~~(c)~~ ~~(d)~~ An electronic smoking devices wholesaler distributor license or  
23 electronic smoking devices wholesaler importer license authorizes the licensee to:

24 (1) sell electronic smoking devices to ~~electronic smoking devices retailers~~  
25 ~~and~~ vape shop vendors;

26 (2) buy electronic smoking devices directly from an electronic smoking  
27 devices manufacturer and an electronic smoking devices wholesaler distributor or  
28 electronic smoking devices wholesaler importer;

29 (3) hold electronic smoking devices; and

30 (4) sell electronic smoking devices to another licensed electronic smoking  
31 devices wholesaler distributor or electronic smoking devices wholesaler importer.

1           ~~[(d)]~~ ~~(c)~~       A vape shop vendor license authorizes the licensee to:

2                   (1)       sell electronic smoking devices as a vape shop vendor **TO CONSUMERS**  
3 **ON THE PREMISES OF THE LICENSEE'S PLACE OF BUSINESS;**

4                   (2)       if the vape shop vendor licensee also holds a license to act as an  
5 electronic smoking devices manufacturer, sell at retail **ON THE VAPE SHOP VENDOR**  
6 **PREMISES** electronic smoking devices manufactured under the manufacturer license; and

7                   (3)       buy electronic smoking devices from an electronic smoking devices  
8 manufacturer, an electronic smoking devices wholesaler distributor, or an electronic  
9 smoking devices wholesaler importer.

10 16.7–204.1.

11           (a)       **(1)**     A ~~retail licensee~~ **OR VAPE SHOP VENDOR** shall post a sign in a  
12 location that is clearly visible to the consumer that states:

13                   “~~No person under the age of 21 may be sold tobacco products without military~~  
14 ~~identification~~”.

15           **[(b)] (2)**     The sign required under **PARAGRAPH (1) OF** this [section]  
16 **SUBSECTION** shall be written in letters at least one-half inch high.

17           **(B) (1)**     **A RETAIL LICENSEE OR VAPE SHOP VENDOR MAY NOT SELL**  
18 **~~CIGARETTES~~ ELECTRONIC SMOKING DEVICES TO AN INDIVIDUAL UNLESS THE**  
19 **RETAIL LICENSEE OR VAPE SHOP VENDOR VERIFIES, IN ACCORDANCE WITH**  
20 **PARAGRAPH (2) OF THIS SUBSECTION, THAT THE INDIVIDUAL IS:**

21                   ~~(I)~~     **AT LEAST 21 YEARS OLD; OR**

22                   ~~(II)~~    **1.     AT LEAST 18 YEARS OLD; AND**

23                               **2.     AN ACTIVE DUTY MEMBER OF THE MILITARY IN**  
24 **~~POSSESSION OF A VALID MILITARY IDENTIFICATION.~~**

25                   **(2)**     **A EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**  
26 **A LICENSED RETAILER OR VAPE SHOP VENDOR MAY VERIFY AN INDIVIDUAL'S AGE**  
27 **ONLY:**

28                   **(I)**     **BY MEANS OF A GOVERNMENT-ISSUED PHOTO**  
29 **IDENTIFICATION CONTAINING THE INDIVIDUAL'S DATE OF BIRTH; AND**

1 (II) IN A DIRECT FACE-TO-FACE EXCHANGE WITHOUT THE  
2 ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.

3 (3) A LICENSED RETAILER OR VAPE SHOP VENDOR IS NOT REQUIRED  
4 TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.

5 16.7-204.2.

6 A RETAILER OR VAPE SHOP VENDOR MAY NOT DISPLAY ELECTRONIC SMOKING  
7 DEVICES FOR SALE UNLESS THE ELECTRONIC SMOKING DEVICES ARE LOCATED  
8 BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE RETAILER OR VAPE SHOP  
9 VENDOR AND EMPLOYEES OF THE RETAILER OR VAPE SHOP VENDOR.

10 16.7-206.

11 (a) (1) A ~~f~~licensed electronic smoking devices retailer or a ~~f~~licensed vape shop  
12 vendor may not assign the license.

13 (2) If a licensed electronic smoking devices wholesaler distributor or  
14 electronic smoking devices wholesaler importer sells the licensee's electronic smoking  
15 devices business and pays to the Executive Director a license assignment fee of \$10, the  
16 licensee may assign the license to the buyer of the business if the buyer otherwise qualifies  
17 under this title for an electronic smoking devices wholesaler's distributor or importer  
18 license.

19 (b) If the electronic smoking devices business of a licensee is transferred because  
20 of bankruptcy, death, incompetency, receivership, or otherwise by operation of law, the  
21 Executive Director shall transfer the license without charge to the new owner of the  
22 licensee's business if the transferee otherwise qualifies under this title for the license being  
23 transferred.

24 (c) (1) If a licensed electronic smoking devices wholesaler distributor or  
25 electronic smoking devices wholesaler importer surrenders the license to the Executive  
26 Director and if no disciplinary proceedings are pending against the licensee, the Executive  
27 Director shall refund a pro rata portion of the license fee for the unexpired term of the  
28 license.

29 (2) A ~~f~~licensed electronic smoking devices retailer or a ~~f~~licensed vape shop  
30 vendor is not allowed a refund for the unexpired term of the license.

31 16.7-211.

32 (a) A person may not act, attempt to act, or offer to act as an electronic smoking  
33 devices manufacturer, ~~f~~an electronic smoking devices retailer,~~f~~ an electronic smoking  
34 devices wholesaler distributor, an electronic smoking devices wholesaler importer, or a  
35 vape shop vendor in the State unless the person has an appropriate license.

1 (b) (1) A person that violates this section is guilty of a misdemeanor and on  
 2 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days  
 3 or both.

4 (2) Each day that a violation of this section continues is a separate offense.  
 5 16.7–213.1.

6 (a) **(1) The SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
 7 **Maryland Department of Health OR ITS DESIGNEE [may] SHALL conduct AT LEAST ~~TWO~~**  
 8 **ONE unannounced inspections INSPECTION of licensed [retailers] OR VAPE SHOP**  
 9 **VENDORS to ensure the licensee’s compliance with the provisions of this title and § 10–107**  
 10 **of the Criminal Law Article EACH YEAR.**

11 **(2) IF A LICENSED RETAILER OR VAPE SHOP VENDOR VIOLATES ANY**  
 12 **PROVISION OF THIS TITLE OR § 10–107 OF THE CRIMINAL LAW ARTICLE, THE**  
 13 **MARYLAND DEPARTMENT OF HEALTH SHALL CONDUCT AN ADDITIONAL**  
 14 **UNANNOUNCED INSPECTION WITHIN 180 DAYS AFTER THE INITIAL INSPECTION.**

15 (b) The Maryland Department of Health **OR ITS DESIGNEE** may use an  
 16 individual under the age of 21 years to assist in conducting an inspection under this section.

17 **(C) TO DETERMINE THE LOCATION OF A LICENSED RETAILER OR VAPE SHOP**  
 18 **VENDOR SUBJECT TO AN UNANNOUNCED INSPECTION, THE MARYLAND**  
 19 **DEPARTMENT OF HEALTH OR ITS DESIGNEE SHALL USE THE LIST OF LICENSED**  
 20 **RETAILERS OR VAPE SHOP VENDORS AS OF DECEMBER 31 OF THE PREVIOUS**  
 21 **CALENDAR YEAR.**

## 22 Article – Criminal Law

23 10–107.

24 (a) This section does not apply to the distribution of a coupon that is redeemable  
 25 for a tobacco product, if the coupon is:

26 (1) contained in a newspaper, magazine, or other type of publication in  
 27 which the coupon is incidental to the primary purpose of the publication; or

28 (2) sent through the mail.

29 (b) (1) This subsection does not apply to the distribution of a tobacco product  
 30 or tobacco paraphernalia to:



1                   ~~(i)~~     an individual under the age of 21 years who is acting solely as  
2 the agent of the individual's employer if the employer distributes tobacco products or  
3 tobacco paraphernalia for commercial purposes;~~or~~

4                   ~~(ii)~~    a purchaser or recipient who:

5                   ~~1.~~     is at least 18 years of age;

6                   ~~2.~~     is an active duty member of the military; and

7                   ~~3.~~     presents a valid military identification.

8                   (2)     A person who distributes tobacco products for commercial purposes,  
9 including a person licensed under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the  
10 Business Regulation Article, **PERSONALLY OR THROUGH AN EMPLOYEE**, may not  
11 distribute to an individual under the age of 21 years:

12                   (i)     a tobacco product;

13                   (ii)    tobacco paraphernalia; or

14                   (iii)   a coupon redeemable for a tobacco product.

15                   (c)     A person not described in subsection (b)(2) of this section may not:

16                   (1)     purchase for or sell a tobacco product to an individual under the age of  
17 21 years;~~unless the individual:~~

18                   ~~(i)~~     is at least 18 years of age;

19                   ~~(ii)~~    is an active duty member of the military; and

20                   ~~(iii)~~   presents a valid military identification; or

21                   (2)     distribute tobacco paraphernalia to an individual under the age of 21  
22 years;~~unless the individual:~~

23                   ~~(i)~~     is at least 18 years of age;

24                   ~~(ii)~~    is an active duty member of the military; and

25                   ~~(iii)~~   presents a valid military identification.

26                   (d)     In a prosecution for a violation of this section, it is a defense that the defendant  
27 examined, **IN A DIRECT, FACE-TO-FACE EXCHANGE**, the purchaser's or recipient's  
28 driver's license or other valid identification issued by a government unit that positively

1 identified the purchaser or recipient as at least 21 years of age ~~or as at least 18 years of age~~  
 2 ~~and an active-duty member of the military.~~

3 (e) (1) A person who violates this section is guilty of a misdemeanor and on  
 4 conviction is subject to a fine not exceeding:

5 (i) ~~[\$300]~~ **\$500** for a first violation;

6 (ii) \$1,000 for a second violation occurring within 2 years after the  
 7 first violation; and

8 (iii) \$3,000 for each subsequent violation occurring within 2 years  
 9 after the preceding violation.

10 **(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF THIS**  
 11 **SUBSECTION, IF A PERSON HOLDS A LICENSE UNDER TITLE 16, TITLE 16.5, TITLE**  
 12 **16.7, OR TITLE 16.9 OF THE BUSINESS REGULATION ARTICLE, THE COURT SHALL**  
 13 **ORDER THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND CANNABIS**  
 14 **COMMISSION TO:**

15 **(I) SUSPEND THE LICENSE FOR:**

16 **1. A SECOND VIOLATION, NOT MORE THAN 90 DAYS; AND**

17 **2. EACH SUBSEQUENT VIOLATION, NOT MORE THAN 180**  
 18 **DAYS; AND**

19 **(II) FOR EACH SUBSEQUENT VIOLATION, REVOKE THE LICENSE.**

20 **(3) FOR A DETERMINATION MADE BY A COURT UNDER PARAGRAPH**  
 21 **(2) OF THIS SUBSECTION, THE CLERK OF THE COURT SHALL SEND A COPY OF THE**  
 22 **FINAL ORDER ISSUED BY THE COURT TO THE EXECUTIVE DIRECTOR OF THE**  
 23 **ALCOHOL, TOBACCO, AND CANNABIS COMMISSION.**

24 ~~[(2)]~~ ~~(3)~~ **(4)** Issuance of a civil citation for the sale of a tobacco product to an  
 25 individual under the age of 21 years precludes a prosecution for a violation of § 24–307 of  
 26 the Health – General Article arising out of the same violation.

27 (f) For purposes of this section, each separate incident at a different time and  
 28 occasion is a violation.

29 **Article – Health – General**

30 **24–305.**

1 (a) This section does not apply to a tobacco product that is regulated under Title  
2 16 of the Business Regulation Article.

3 (b) (1) **[Except] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND**  
4 **EXCEPT as provided in paragraph (2) of this subsection, a person may not [sell]:**

5 (I) **SELL, distribute, or offer for sale to an individual under the age**  
6 **of 21 years an electronic smoking device, as defined in § 16.7–101(c) of the Business**  
7 **Regulation Article;**

8 (II) **DISPLAY ELECTRONIC SMOKING DEVICES, AS DEFINED IN §**  
9 **16.7–101(C) OF THE BUSINESS REGULATION ARTICLE, FOR SALE UNLESS THE**  
10 **ELECTRONIC SMOKING DEVICES ARE LOCATED BEHIND A COUNTER IN AN AREA**  
11 **ACCESSIBLE ONLY TO THE PERSON AND EMPLOYEES OF THE PERSON; OR**

12 (III) **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**  
13 **SUBSECTION, SELL ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7–101(C)**  
14 **OF THE BUSINESS REGULATION ARTICLE, UNLESS THE PERSON VERIFIES THAT THE**  
15 **INDIVIDUAL IS AT LEAST 21 YEARS OLD.**

16 (2) This subsection does not apply to[:

17 (i) An] AN electronic smoking device that contains or delivers  
18 nicotine intended for human consumption if the device has been approved by the United  
19 States Food and Drug Administration for sale as a tobacco cessation product and is being  
20 marketed and sold solely for this purpose[: or

21 (ii) A purchaser or recipient who:

22 1. Is at least 18 years of age;

23 2. Is an active duty member of the military; and

24 3. Presents a valid military identification].

25 (3) **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON**  
26 **MAY VERIFY AN INDIVIDUAL’S AGE ONLY:**

27 (I) **BY MEANS OF A GOVERNMENT–ISSUED PHOTO**  
28 **IDENTIFICATION CONTAINING THE INDIVIDUAL’S DATE OF BIRTH; AND**

29 (II) **IN A DIRECT FACE–TO–FACE EXCHANGE INCLUDING THE**  
30 **ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.**

1           (4) A PERSON IS NOT REQUIRED TO VERIFY THE AGE OF AN  
2 INDIVIDUAL AT LEAST 30 YEARS OLD.

3           (c) (1) A person that violates this section is subject to a civil penalty not  
4 exceeding:

5                           (i) \$300 for a first violation;

6                           (ii) \$1,000 for a second violation occurring within 24 months after  
7 the first violation; and

8                           (iii) \$3,000 for each subsequent violation occurring within 24 months  
9 after the preceding violation.

10           (2) Issuance of a civil citation for a violation of this section precludes  
11 prosecution under § 10–107 of the Criminal Law Article arising out of the same violation.

12           (3) If a violation is committed by a person acting on behalf of a retailer, the  
13 civil penalty imposed under paragraph (1) of this subsection shall be paid by the retailer.

14           (d) In a prosecution for a violation of this section, it is a defense that the defendant  
15 examined the purchaser's or recipient's driver's license or other valid identification issued  
16 by a government unit that positively identified the purchaser or recipient as at least 21  
17 years of age [or as at least 18 years of age and an active duty member of the military].

18           (e) (1) In this subsection, "designee" means a retired sworn law enforcement  
19 officer employed by THE DEPARTMENT OR a county health officer or an employee of THE  
20 DEPARTMENT OR a local health department trained in civil enforcement.

21           (2) [A] THE SECRETARY, THE SECRETARY'S DESIGNEE, A sworn law  
22 enforcement officer, a county health officer, or a designee of a county health officer may  
23 issue a civil citation for a violation of this section.

24           (3) A citation issued under this section shall include:

25                           (i) The name and address of the person charged;

26                           (ii) The nature of the violation;

27                           (iii) The location and time of the violation;

28                           (iv) The amount of the civil penalty;

29                           (v) The manner, location, and time in which the civil penalty may be  
30 paid;

1 (vi) A notice stating the person's right to elect to stand trial for the  
2 violation; and

3 (vii) A warning that failure to pay the civil penalty or to contest  
4 liability in a timely manner in accordance with the citation:

5 1. Is an admission of liability; and

6 2. May result in entry of a default judgment that may include  
7 the civil penalty, court costs, and administrative expenses.

8 (4) The [sworn law enforcement officer] SECRETARY, SECRETARY'S  
9 DESIGNEE, county health officer, or COUNTY HEALTH OFFICER'S designee shall retain a  
10 copy of the citation issued under this section.

11 (5) (i) 1. A person who receives a citation from THE SECRETARY,  
12 THE SECRETARY'S DESIGNEE, a county health officer, or A COUNTY HEALTH OFFICER'S  
13 designee under this section may elect to stand trial for the violation by filing a notice of  
14 intention to stand trial with the county health officer or designee at least 5 days before the  
15 date set in the citation for the payment of the civil penalty.

16 2. After receiving a notice of intention to stand trial under  
17 subsubparagraph 1 of this subparagraph, the SECRETARY, SECRETARY'S DESIGNEE,  
18 county health officer, or COUNTY HEALTH OFFICER'S designee shall forward the notice  
19 and a copy of the citation to the District Court.

20 (ii) A person who receives a citation from a sworn law enforcement  
21 officer under this section may elect to stand trial for the violation by filing a notice of  
22 intention to stand trial and a copy of the citation with the District Court at least 5 days  
23 before the date set in the citation for payment of the civil penalty.

24 (6) (i) After receiving a citation and notice under this section, the  
25 District Court shall schedule the case for trial and notify the defendant of the trial date.

26 (ii) In a proceeding before the District Court, a violation of this  
27 section shall be prosecuted in the same manner and to the same extent as a municipal  
28 infraction under §§ 6–108 through 6–115 of the Local Government Article.

29 (7) The District Court shall remit any penalties collected for a violation of  
30 this section to the county in which the violation occurred.

31 (8) Adjudication of a violation of this section is not a criminal conviction for  
32 any purpose.

33 24–307.

1           (a)   (1)   This section does not apply to the distribution of a coupon that is  
2 redeemable for a tobacco product if the coupon is:

3                   (i)   Contained in a newspaper, a magazine, or any other type of  
4 publication in which the coupon is incidental to the primary purpose of the publication; or

5                   (ii)   Sent through the mail.

6           (2)   This section does not apply to the distribution of a tobacco product or  
7 tobacco paraphernalia to[:

8                   (i)   An] AN individual under the age of 21 years who is acting solely  
9 as the agent of the individual's employer if the employer distributes tobacco products or  
10 tobacco paraphernalia for commercial purposes]; or

11                  (ii)   A purchaser or recipient who:

12                           1.   Is at least 18 years of age;

13                           2.   Is an active duty member of the military; and

14                           3.   Presents a valid military identification].

15           (b)   (1)   A person who distributes tobacco products for commercial purposes,  
16 including a person licensed under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the  
17 Business Regulation Article, may not [distribute]:

18                   (I)   DISTRIBUTE to an individual under the age of 21 years:

19                           [(1)]   1.   A tobacco product;

20                           [(2)]   2.   Tobacco paraphernalia; or

21                           [(3)]   3.   A coupon redeemable for a tobacco product; OR

22                           (II)   DISPLAY TOBACCO PRODUCTS FOR SALE UNLESS THE  
23 TOBACCO PRODUCTS ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE  
24 ONLY TO THE PERSON AND EMPLOYEES OF THE PERSON; OR

25                           (III)   EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
26 SUBSECTION, SELL TOBACCO PRODUCTS UNLESS THE PERSON VERIFIES THAT THE  
27 INDIVIDUAL IS AT LEAST 21 YEARS OLD.

28                   (3)   A PERSON WHO DISTRIBUTES TOBACCO PRODUCTS MAY VERIFY  
29 AN INDIVIDUAL'S AGE ONLY:

1                   (I) BY MEANS OF A GOVERNMENT-ISSUED PHOTO  
2 IDENTIFICATION CONTAINING THE INDIVIDUAL'S DATE OF BIRTH; AND

3                   (II) IN A DIRECT FACE-TO-FACE EXCHANGE INCLUDING THE  
4 ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.

5                   (4) A PERSON WHO DISTRIBUTES TOBACCO PRODUCTS IS NOT  
6 REQUIRED TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.

7           (c)    (1)   A person who violates subsection (b) of this section is subject to a civil  
8 penalty not exceeding:

9                   (i)    \$300 for a first violation;

10                  (ii)   \$1,000 for a second violation occurring within 24 months after  
11 the first violation; and

12                  (iii)   \$3,000 for each subsequent violation occurring within 24 months  
13 after the preceding violation.

14           (2)    The local health departments shall report violations of subsection (b) of  
15 this section to the Executive Director of the Alcohol [and], Tobacco, AND CANNABIS  
16 Commission.

17           (3)    Issuance of a civil citation for a violation of this section precludes  
18 prosecution under § 10-107 of the Criminal Law Article arising out of the same violation.

19           (4)    If a violation is committed by a person acting on behalf of a retailer, the  
20 civil penalty imposed under paragraph (1) of this subsection shall be paid by the retailer.

21           (d)    In a prosecution for a violation of subsection (b) of this section, it is a defense  
22 that the defendant examined the purchaser's or recipient's driver's license or other valid  
23 identification issued by a governmental unit that positively identified the purchaser or  
24 recipient as at least 21 years old [or as at least 18 years of age and an active duty member  
25 of the military].

26           (e)    (1)    In this subsection, "designee" means a retired sworn law enforcement  
27 officer employed by THE SECRETARY OR a county health officer or an employee of a local  
28 health department trained in civil enforcement.

29                  (2)    [A] THE SECRETARY, THE SECRETARY'S DESIGNEE, A sworn law  
30 enforcement officer, a county health officer, or a designee of a county health officer may  
31 issue a civil citation for a violation of subsection (b) of this section.

32                  (3)    A citation issued under this subsection shall include:

- 1           (i)    The name and address of the person charged;
- 2           (ii)   The nature of the violation;
- 3           (iii) The location and time of the violation;
- 4           (iv)   The amount of the civil penalty;
- 5           (v)    The manner, location, and time in which the civil penalty may be  
6 paid;
- 7           (vi)   A notice stating the person's right to elect to stand trial for the  
8 violation; and
- 9           (vii) A warning that failure to pay the civil penalty or to contest  
10 liability in a timely manner in accordance with the citation:
- 11                   1.    Is an admission of liability; and
- 12                   2.    May result in entry of a default judgment that may include  
13 the civil penalty, court costs, and administrative expenses.
- 14           (4)    The **SECRETARY, SECRETARY'S DESIGNEE**, county health officer, or  
15 designee shall retain a copy of the citation issued under this subsection.
- 16           (5)    (i)    A person who receives a citation from **THE SECRETARY, THE**  
17 **SECRETARY'S DESIGNEE**, a county health officer, or designee under this subsection may  
18 elect to stand trial for the violation by filing a notice of intention to stand trial with the  
19 county health officer or designee at least 5 days before the date set in the citation for the  
20 payment of the civil penalty.
- 21                   (ii) After receiving a notice of intention to stand trial under  
22 subparagraph (i) of this paragraph, the county health officer or designee shall forward the  
23 notice and a copy of the citation to the District Court.
- 24           (6)    (i)    After receiving a citation and notice under this subsection, the  
25 District Court shall schedule the case for trial and notify the defendant of the trial date.
- 26                   (ii) In a proceeding before the District Court, a violation of  
27 subsection (b) of this section shall be handled in the same manner as a municipal infraction  
28 under §§ 6-108 through 6-115 of the Local Government Article.
- 29           (7)    The District Court shall remit any penalties collected for a violation of  
30 subsection (b) of this section to the county in which the violation occurred.





1 ~~ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7-101 OF THE BUSINESS~~  
2 ~~REGULATION ARTICLE.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before ~~December 31,~~  
4 ~~2024~~ October 1, 2025, the Alcohol, Tobacco, and Cannabis Commission, in conjunction with  
5 the Maryland Department of Health, the Comptroller, and the State Department of  
6 Education, shall report to the Senate Finance Committee, the House Economic Matters  
7 Committee, and the House Health and Government Operations Committee, in accordance  
8 with § 2-1257 of the State Government Article, on:

9 (1) the number of retailers of cigarettes, other tobacco products, and  
10 electronic smoking devices licensed under Title 16, Title 16.5, or Title 16.7 of the Business  
11 Regulation Article, including information regarding the proximity of retailers to schools  
12 and health care facilities;

13 (2) the processes and procedures currently used by the Alcohol, Tobacco,  
14 and Cannabis Commission to maintain a list of all operating businesses that hold a license  
15 under Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

16 (3) the geographic density of businesses currently holding a license under  
17 Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

18 (4) the feasibility and resulting impact of limiting or establishing a  
19 maximum number of licenses that could be issued under Title 16, Title 16.5, or Title 16.7  
20 of the Business Regulation Article; and

21 (5) with regard to the use of tobacco, other tobacco products, and electric  
22 smoking devices, including the use of flavored tobacco products, by individuals under the  
23 age of 21 years in the State, an analysis of:

24 (i) its prevalence in the described population;

25 (ii) the public health impacts; and

26 (iii) the economic impacts.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2024.