

SENATE BILL 1056

C2, E1, J2

(4lr2097)

ENROLLED BILL

— Finance/Economic Matters —

Introduced by **Senator Kramer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~the electronic smoking device retail license; altering the definition of “vape shop vendor” to require that the vendor ~~exclusively~~ sell electronic smoking devices and related accessories to consumers on the premises of its place of business; ~~requiring certain licensees to obtain an additional license in order to manufacture, distribute, or sell electronic smoking devices;~~ altering the penalty for distributing tobacco products or tobacco paraphernalia to an individual under a certain age; authorizing the court to make certain recommendations to the Executive Director of the Alcohol, Tobacco, and Cannabis Commission regarding the suspension of certain licenses; ~~prohibiting a pharmacy from selling tobacco products, other tobacco products, and electronic smoking devices;~~ requiring the Alcohol, Tobacco, and Cannabis Commission, in conjunction with the Maryland Department of Health, the Comptroller, and the State Department of Education, to submit a certain report on or before a certain date; and generally relating to the sale of cigarettes, other tobacco products, and electronic smoking devices.~~

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 16–201(a), (d), and (k) ~~and~~, 16.5–101(a), (f), (j), and (l), 16.7–203, 16.7–206, and 16.7–211

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY adding to

Article – Business Regulation

Section 16–209.1, 16.5–214.2, and 16.7–204.2

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–302, 16–308.3, 16.5–217.1, 16.7–101, ~~16.7–102, 16.7–201, 16.7–202, 16.7–203, 16.7–204, 16.7–204.1, 16.7–206, 16.7–211,~~ and 16.7–213.1

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–107

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–305 and 24–307

Annotated Code of Maryland

(2023 Replacement Volume)

1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article — Health Occupations~~
 3 ~~Section 12-403(e)(22) and (23)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2021 Replacement Volume and 2023 Supplement)~~

6 ~~BY adding to~~
 7 ~~Article — Health Occupations~~
 8 ~~Section 12-403(e)(24)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2021 Replacement Volume and 2023 Supplement)~~

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

13 **Article – Business Regulation**

14 16–201.

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

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

18 (k) “Retailer” means a person who:

19 (1) sells cigarettes to consumers through vending machines on fewer than
 20 40 premises;

21 (2) otherwise sells cigarettes to consumers; or

22 (3) holds cigarettes for sale to consumers.

23 **16–209.1.**

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

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

31 **(i) AT LEAST 21 YEARS OLD; OR**

~~(H) 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

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

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

16-302.

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

(1) submit an application to the clerk; and

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

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

(ii) \$50 in Cecil County; or

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

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

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

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

(III) IN ALL OTHER COUNTIES, \$275 TO THE MARYLAND DEPARTMENT OF HEALTH TO BE USED BY THE DEPARTMENT OR ITS DESIGNEE TO ENFORCE EXISTING LAWS PROHIBITING THE SALE OR DISTRIBUTION OF TOBACCO,

1 TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES, AS DEFINED IN §
 2 16.7–101 OF THIS ARTICLE, TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.

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

6 16–308.3.

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

12 **(2) IF A LICENSED RETAILER VIOLATES ANY PROVISION OF THIS**
 13 **TITLE OR § 10–107 OF THE CRIMINAL LAW ARTICLE, THE MARYLAND DEPARTMENT**
 14 **OF HEALTH SHALL CONDUCT AN ADDITIONAL UNANNOUNCED INSPECTION WITHIN**
 15 **180 DAYS AFTER THE INITIAL INSPECTION.**

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

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

22 16.5–101.

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

24 (f) “Licensed other tobacco products retailer” means a person licensed by the
 25 clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer.

26 (j) (1) “Other tobacco products” means, except as provided in paragraph (3) of
 27 this subsection, a product that is:

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

31 1. tobacco; or

32 2. nicotine; or

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

3 (2) “Other tobacco products” includes:

4 (i) cigars, premium cigars, pipe tobacco, chewing tobacco, snuff, and
5 snus; and

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

7 (3) “Other tobacco products” does not include:

8 (i) cigarettes;

9 (ii) electronic smoking devices;

10 (iii) drugs, devices, or combination products authorized for sale by
11 the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act;
12 or

13 (iv) tobacco pipes, as defined under § 11–104 of the Tax – General
14 Article.

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

16 (1) sells other tobacco products to consumers; or

17 (2) holds other tobacco products for sale to consumers.

18 **16.5–214.2.**

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

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

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

22 **(2) A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY NOT**
23 **DISPLAY OTHER TOBACCO PRODUCTS FOR SALE UNLESS THE OTHER TOBACCO**
24 **PRODUCTS ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE**
25 **LICENSED OTHER TOBACCO PRODUCTS RETAILER AND EMPLOYEES OF THE**
26 **LICENSED OTHER TOBACCO PRODUCTS RETAILER.**

27 **(B) (1) A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY NOT**
28 **SELL CIGARETTES OTHER TOBACCO PRODUCTS TO AN INDIVIDUAL UNLESS THE**

1 LICENSED OTHER TOBACCO PRODUCTS RETAILER VERIFIES, IN ACCORDANCE WITH
2 PARAGRAPH (2) OF THIS SUBSECTION, THAT THE INDIVIDUAL IS:

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

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

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

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

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

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

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

16 16.5-217.1.

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

22 (2) IF A LICENSED RETAILER VIOLATES ANY PROVISION OF THIS
23 TITLE OR § 10-107 OF THE CRIMINAL LAW ARTICLE, THE MARYLAND DEPARTMENT
24 OF HEALTH SHALL CONDUCT AN ADDITIONAL UNANNOUNCED INSPECTION WITHIN
25 180 DAYS AFTER THE INITIAL INSPECTION.

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

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

1 16.7–101.

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

3 (b) “County license” means a license issued by the clerk to sell electronic smoking
4 devices to consumers in a county.

5 (c) (1) “Electronic smoking device” means a device that can be used to deliver
6 aerosolized or vaporized nicotine to an individual inhaling from the device.

7 (2) “Electronic smoking device” includes:

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

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

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

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

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

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

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

22 (2) (i) ~~¶~~sells electronic smoking devices to a consumer, if the consumer
23 purchases or orders the devices through the mail, a computer network, a telephonic
24 network, or another electronic network, a licensed electronic smoking devices wholesaler
25 distributor, or a licensed electronic smoking devices wholesaler importer in the State;

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

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

1 ~~¶(e)~~ “Electronic smoking devices retailer” means a person that:

2 (1) sells electronic smoking devices to consumers;

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

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

7 ~~¶(f)~~ ~~¶(E)~~ “Electronic smoking devices wholesaler distributor” means a person
8 that:

9 (1) obtains at least 70% of its electronic smoking devices from a holder of
10 an electronic smoking devices manufacturer license under this subtitle or a business entity
11 located in the United States; 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 ~~¶(g)~~ ~~¶(F)~~ “Electronic smoking devices wholesaler importer” means a person that:

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

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

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

21 ~~¶(h)~~ ~~¶(G)~~ “Executive Director” means the Executive Director of the Alcohol [and],
22 Tobacco, **AND CANNABIS** Commission.

23 ~~¶(i)~~ ~~¶(H)~~ “License” means:

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

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

27 (ii) act as a licensed electronic smoking devices wholesaler
28 distributor; or

1 (iii) act as a licensed electronic smoking devices wholesaler importer;
2 or

3 (2) a license issued by the clerk under § 16.7–203(b) of this title to:

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

5 (ii) act as a licensed vape shop vendor.

6 ~~{(j)} {H}~~ “Sell” means to exchange or transfer, or to agree to exchange or
7 transfer, title or possession of property, in any manner or by any means, for consideration.

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

12 ~~{(l)} {K}~~ “Vaping liquid” means a liquid that:

13 (1) consists of propylene glycol, vegetable glycerin, or other similar
14 substance;

15 (2) may or may not contain natural or artificial flavors;

16 (3) may or may not contain nicotine; and

17 (4) converts to vapor intended for inhalation when heated in an electronic
18 device.

19 ~~16.7–102.~~

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

22 ~~(b) Any person licensed under Title 16 or Title 16.5 of this article, or an affiliate,~~
23 ~~as defined under § 16–402(e) of this article, of a person licensed under Title 16 of this~~
24 ~~article:~~

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

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

1 ~~16.7-201.~~

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

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

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

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

6 ~~[(4)] (3) an electronic smoking devices wholesaler importer; or~~

7 ~~[(5)] (4) a vape shop vendor.~~

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

10 16.7-202.

11 (a) (1) An applicant for a license to act as an electronic smoking devices
 12 manufacturer, electronic smoking devices wholesaler distributor, or electronic smoking
 13 devices wholesaler importer shall:

14 (i) obtain an appropriate county license by submitting an
 15 application to the Executive Director on the form and containing the information that the
 16 Executive Director requires;

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

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

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

23 (b) (1) An applicant for a license to act as ~~[an electronic smoking devices~~
 24 ~~retailer or]~~ a vape shop vendor:

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

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

- 1 (2) The application shall:
- 2 (i) be made on the form that the clerk requires; and
- 3 (ii) contain the information that the Executive Director requires.

4 **(3) (I) FROM EACH LICENSE FEE COLLECTED UNDER THIS**
 5 **SUBSECTION, THE CLERK SHALL DISTRIBUTE:**

6 **1. \$25 TO THE EXECUTIVE DIRECTOR; AND**

7 **2. \$275 TO THE MARYLAND DEPARTMENT OF HEALTH**
 8 **TO BE USED BY THE DEPARTMENT OR ITS DESIGNEE TO ENFORCE EXISTING LAWS**
 9 **PROHIBITING THE SALE OR DISTRIBUTION OF TOBACCO, TOBACCO PRODUCTS, OR**
 10 **ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7-101 OF THIS TITLE, TO**
 11 **INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

12 **(II) FUNDS DISTRIBUTED UNDER THIS SUBSECTION MAY NOT BE**
 13 **USED TO SUPPLANT EXISTING FUNDING FOR THE ENFORCEMENT OF LAWS BANNING**
 14 **THE SALE OR DISTRIBUTION OF TOBACCO, TOBACCO PRODUCTS, OR ELECTRONIC**
 15 **SMOKING DEVICES TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

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

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

21 16.7-203.

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

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

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

31 16.7-204.

1 (a) An electronic smoking devices manufacturer license authorizes the licensee
2 to:

3 (1) sell electronic smoking devices to:

4 (i) a licensed electronic smoking devices wholesaler located in the
5 State;

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

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

9 (iv) a consumer if:

10 1. the licensee manufactured the devices; and

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

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

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

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

21 (1) sell electronic smoking devices to consumers;

22 (2) buy electronic smoking devices from an electronic smoking devices
23 wholesaler distributor or electronic smoking devices wholesaler importer;

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

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

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

1 (1) sell electronic smoking devices to ~~¶~~electronic smoking devices retailers
2 and~~¶~~ vape shop vendors;

3 (2) buy electronic smoking devices directly from an electronic smoking
4 devices manufacturer and an electronic smoking devices wholesaler distributor or
5 electronic smoking devices wholesaler importer;

6 (3) hold electronic smoking devices; and

7 (4) sell electronic smoking devices to another licensed electronic smoking
8 devices wholesaler distributor or electronic smoking devices wholesaler importer.

9 ~~¶(d)¶~~ ~~(c)~~ A vape shop vendor license authorizes the licensee to:

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

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

15 (3) buy electronic smoking devices from an electronic smoking devices
16 manufacturer, an electronic smoking devices wholesaler distributor, or an electronic
17 smoking devices wholesaler importer.

18 16.7-204.1.

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

21 "No person under the age of 21 may be sold tobacco products ~~without military~~
22 ~~identification~~".

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

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

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

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

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

3 (2) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
4 A RETAIL LICENSEE OR VAPE SHOP VENDOR MAY VERIFY AN INDIVIDUAL'S AGE
5 ONLY:

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

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

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

12 **16.7-204.2.**

13 A RETAILER OR VAPE SHOP VENDOR MAY NOT DISPLAY ELECTRONIC SMOKING
14 DEVICES FOR SALE UNLESS THE ELECTRONIC SMOKING DEVICES ARE LOCATED
15 BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE RETAILER OR VAPE SHOP
16 VENDOR AND EMPLOYEES OF THE RETAILER OR VAPE SHOP VENDOR.

17 16.7-206.

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

20 (2) If a licensed electronic smoking devices wholesaler distributor or
21 electronic smoking devices wholesaler importer sells the licensee's electronic smoking
22 devices business and pays to the Executive Director a license assignment fee of \$10, the
23 licensee may assign the license to the buyer of the business if the buyer otherwise qualifies
24 under this title for an electronic smoking devices wholesaler's distributor or importer
25 license.

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

31 (c) (1) If a licensed electronic smoking devices wholesaler distributor or
32 electronic smoking devices wholesaler importer surrenders the license to the Executive
33 Director and if no disciplinary proceedings are pending against the licensee, the Executive

1 Director shall refund a pro rata portion of the license fee for the unexpired term of the
2 license.

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

5 16.7–211.

6 (a) A person may not act, attempt to act, or offer to act as an electronic smoking
7 devices manufacturer, ~~an electronic smoking devices retailer,~~ an electronic smoking
8 devices wholesaler distributor, an electronic smoking devices wholesaler importer, or a
9 vape shop vendor in the State unless the person has an appropriate license.

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

13 (2) Each day that a violation of this section continues is a separate offense.

14 16.7–213.1.

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

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

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

26 **(C) TO DETERMINE THE LOCATION OF A LICENSED RETAILER OR VAPE SHOP**
27 **VENDOR SUBJECT TO AN UNANNOUNCED INSPECTION, THE MARYLAND**
28 **DEPARTMENT OF HEALTH OR ITS DESIGNEE SHALL USE THE LIST OF LICENSED**
29 **RETAILERS OR VAPE SHOP VENDORS AS OF DECEMBER 31 OF THE PREVIOUS**
30 **CALENDAR YEAR.**

31 Article – Criminal Law

32 10–107.

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

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

5 (2) sent through the mail.

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

8 ~~(i)~~ an individual under the age of 21 years who is acting solely as
9 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 (2) 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, **PERSONALLY OR THROUGH AN EMPLOYEE**, may not
18 distribute to an individual under the age of 21 years:

19 (i) a tobacco product;

20 (ii) tobacco paraphernalia; or

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

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

23 (1) purchase for or sell a tobacco product to an individual under the age of
24 21 years,~~unless the individual:~~

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

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

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

28 (2) distribute tobacco paraphernalia to an individual under the age of 21
29 years,~~unless the individual:~~

- 1 (i) ~~is at least 18 years of age;~~
 2 (ii) ~~is an active duty member of the military; and~~
 3 (iii) ~~presents a valid military identification.~~

4 (d) In a prosecution for a violation of this section, it is a defense that the defendant
 5 examined, **IN A DIRECT, FACE-TO-FACE EXCHANGE**, the purchaser's or recipient's
 6 driver's license or other valid identification issued by a government unit that positively
 7 identified the purchaser or recipient as at least 21 years of age ~~or as at least 18 years of age~~
 8 ~~and an active duty member of the military.~~

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

- 11 (i) [~~\$300~~] **\$500** for a first violation;
 12 (ii) \$1,000 for a second violation occurring within 2 years after the
 13 first violation; and
 14 (iii) \$3,000 for each subsequent violation occurring within 2 years
 15 after the preceding violation.

16 **(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF THIS**
 17 **SUBSECTION, IF A PERSON HOLDS A LICENSE UNDER TITLE 16, TITLE 16.5, TITLE**
 18 **16.7, OR TITLE 16.9 OF THE BUSINESS REGULATION ARTICLE, THE COURT SHALL**
 19 **ORDER THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND CANNABIS**
 20 **COMMISSION TO:**

- 21 **(I) SUSPEND THE LICENSE FOR:**
 22 **1. A SECOND VIOLATION, NOT MORE THAN 90 DAYS; AND**
 23 **2. EACH SUBSEQUENT VIOLATION, NOT MORE THAN 180**
 24 **DAYS; AND**

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

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

1 **(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON**
2 **MAY VERIFY AN INDIVIDUAL'S AGE ONLY:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (ii) The nature of the violation;
- 2 (iii) The location and time of the violation;
- 3 (iv) The amount of the civil penalty;
- 4 (v) The manner, location, and time in which the civil penalty may be
5 paid;
- 6 (vi) A notice stating the person’s right to elect to stand trial for the
7 violation; and
- 8 (vii) A warning that failure to pay the civil penalty or to contest
9 liability in a timely manner in accordance with the citation:

- 10 1. Is an admission of liability; and
- 11 2. May result in entry of a default judgment that may include
12 the civil penalty, court costs, and administrative expenses.

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

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

21 2. After receiving a notice of intention to stand trial under
22 subsubparagraph 1 of this subparagraph, the SECRETARY, SECRETARY’S DESIGNEE,
23 county health officer, or COUNTY HEALTH OFFICER’S designee shall forward the notice
24 and a copy of the citation to the District Court.

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

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

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

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

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

8 24–307.

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

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

13 (ii) Sent through the mail.

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

16 (i) An] AN individual under the age of 21 years who is acting solely
 17 as the agent of the individual’s employer if the employer distributes tobacco products or
 18 tobacco paraphernalia for commercial purposes]; or

19 (ii) A purchaser or recipient who:

20 1. Is at least 18 years of age;

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

22 3. Presents a valid military identification].

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

26 (1) DISTRIBUTE to an individual under the age of 21 years:

27 (1) 1. A tobacco product;

28 (2) 2. Tobacco paraphernalia; or

29 (3) 3. A coupon redeemable for a tobacco product;

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

4 (III) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
5 SUBSECTION, SELL TOBACCO PRODUCTS UNLESS THE PERSON VERIFIES THAT THE
6 INDIVIDUAL IS AT LEAST 21 YEARS OLD.

7 (2) A PERSON WHO DISTRIBUTES TOBACCO PRODUCTS MAY VERIFY
8 AN INDIVIDUAL'S AGE ONLY:

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

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

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

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

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

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

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

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

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

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

29 (d) In a prosecution for a violation of subsection (b) of this section, it is a defense
30 that the defendant examined the purchaser's or recipient's driver's license or other valid
31 identification issued by a governmental unit that positively identified the purchaser or

1 recipient as at least 21 years old [or as at least 18 years of age and an active duty member
2 of the military].

3 (e) (1) In this subsection, “designee” means a retired sworn law enforcement
4 officer employed by THE SECRETARY OR a county health officer or an employee of a local
5 health department trained in civil enforcement.

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

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

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

11 (ii) The nature of the violation;

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

13 (iv) The amount of the civil penalty;

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

16 (vi) A notice stating the person’s right to elect to stand trial for the
17 violation; and

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

20 1. Is an admission of liability; and

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

23 (4) The SECRETARY, SECRETARY’S DESIGNEE, county health officer, or
24 designee shall retain a copy of the citation issued under this subsection.

25 (5) (i) A person who receives a citation from THE SECRETARY, THE
26 SECRETARY’S DESIGNEE, a county health officer, or designee under this subsection may
27 elect to stand trial for the violation by filing a notice of intention to stand trial with the
28 county health officer or designee at least 5 days before the date set in the citation for the
29 payment of the civil penalty.

1 (ii) After receiving a notice of intention to stand trial under
 2 subparagraph (i) of this paragraph, the county health officer or designee shall forward the
 3 notice and a copy of the citation to the District Court.

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

6 (ii) In a proceeding before the District Court, a violation of
 7 subsection (b) of this section shall be handled in the same manner as a municipal infraction
 8 under §§ 6–108 through 6–115 of the Local Government Article.

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

11 (8) Adjudication of a violation of subsection (b) of this section is not a
 12 criminal conviction for any purpose.

13 (f) (1) The Maryland Department of Health, in collaboration and consultation
 14 with [the Office of the Comptroller,] the Executive Director of the Alcohol [and], Tobacco,
 15 AND CANNABIS Commission, local health departments, and local law enforcement
 16 agencies, shall develop ongoing strategies for enforcement of §§ 10–107 and 10–108 of the
 17 Criminal Law Article.

18 (2) On or before October 1 each year, the Department shall report to the
 19 General Assembly, in accordance with § 2–1257 of the State Government Article, on:

20 (i) The development of enforcement strategies required under
 21 paragraph (1) of this subsection; and

22 (ii) Training and assistance to tobacco retailers to improve
 23 compliance with § 10–107 of the Criminal Law Article.

24 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 25 ~~as follows:~~

26 ~~Article Health Occupations~~

27 ~~12–403.~~

28 ~~(e) Except as otherwise provided in this section, a pharmacy for which a~~
 29 ~~pharmacy permit has been issued under this title:~~

30 ~~(22) (i) May provide to an ophthalmologist for office use, without a~~
 31 ~~patient specific prescription:~~

32 ~~1. Compound antibiotics for the emergency treatment of~~
 33 ~~bacterial endophthalmitis or viral retinitis; and~~

1 ~~2. Compound antivascular endothelial growth factor agents~~
 2 ~~for the emergency treatment of neovascular glaucoma, wet macular degeneration, or~~
 3 ~~macular edema; and~~

4 ~~(ii) Shall require the ophthalmologist to inform the pharmacy of the~~
 5 ~~identity of any patient to whom the drugs are administered; [and]~~

6 ~~(23) Subject to § 12-510 of this title, may provide compounded nonsterile~~
 7 ~~preparations or compounded sterile preparations without a patient specific prescription to~~
 8 ~~a licensed veterinarian who intends to dispense the compounded nonsterile preparations~~
 9 ~~or compounded sterile preparations in accordance with § 2-313(e) of the Agriculture Article;~~
 10 ~~AND~~

11 ~~(24) MAY NOT SELL TOBACCO PRODUCTS, OTHER TOBACCO~~
 12 ~~PRODUCTS, AS DEFINED IN § 16.5 101 OF THE BUSINESS REGULATION ARTICLE, OR~~
 13 ~~ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7 101 OF THE BUSINESS~~
 14 ~~REGULATION ARTICLE.~~

15 SECTION ~~2. 3. 2.~~ AND BE IT FURTHER ENACTED, That, on or before ~~December~~
 16 ~~31, 2024~~ October 1, 2025, the Alcohol, Tobacco, and Cannabis Commission, in conjunction
 17 with the Maryland Department of Health, the Comptroller, and the State Department of
 18 Education, shall report to the Senate Finance Committee, the House Economic Matters
 19 Committee, and the House Health and Government Operations Committee, in accordance
 20 with § 2-1257 of the State Government Article, on:

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

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

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

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

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

- 1 (i) its prevalence in the described population;
- 2 (ii) the public health impacts; and
- 3 (iii) the economic impacts.

4 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take~~
5 ~~effect October 1, 2025.~~

6 SECTION ~~3.~~ ~~5.~~ 3. AND BE IT FURTHER ENACTED, That, ~~except as provided in~~
7 ~~Section 4 of this Act,~~ this Act shall take effect October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.