

HOUSE BILL 1282

C2

6lr2796

By: **Delegates Young, Addison, Boyce, Conaway, Edelson, Embry, Lewis, Ruff, Stinnett, Valentine, and Wims**

Introduced and read first time: February 12, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices –**
3 **Advertising to Minors – Prohibition**

4 FOR the purpose of prohibiting a person who is licensed to sell tobacco products, other
5 tobacco products, or electronic smoking devices from directly or indirectly
6 advertising or marketing tobacco products, other tobacco products, electronic
7 smoking devices, or vaping liquid to individuals under a certain age; providing that
8 certain advertisements or promotions are a violation against the prohibition on
9 advertising or marketing to certain individuals; and generally relating to tobacco
10 products, other tobacco products, and electronic smoking devices.

11 BY repealing and reenacting, without amendments,

12 Article – Business Regulation

13 Section 16–3A–01(a) and (c), 16.5–101(a) and (j), 16.7–101(a), (c), and (l), and
14 16.7–214

15 Annotated Code of Maryland

16 (2024 Replacement Volume and 2025 Supplement)

17 BY adding to

18 Article – Business Regulation

19 Section 16–3B–02, 16.5–217.2, and 16.7–213.4

20 Annotated Code of Maryland

21 (2024 Replacement Volume and 2025 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Business Regulation

24 Section 16.7–213.4

25 Annotated Code of Maryland

26 (2024 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Regulation**

4 16–3A–01.

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

6 (c) (1) “Tobacco product” means any product that is:

7 (i) intended for human inhalation, absorption, ingestion, smoking,
8 heating, chewing, dissolving, or any other manner of consumption that is made of, derived
9 from, or contains:

10 1. tobacco; or

11 2. nicotine; or

12 (ii) an accessory or a component used in any manner of consumption
13 of a product described in item (i) of this paragraph.

14 (2) “Tobacco product” includes:

15 (i) cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and snus;

16 (ii) electronic smoking devices; and

17 (iii) filters, rolling papers, pipes, and liquids used in electronic
18 smoking devices regardless of nicotine content.

19 (3) “Tobacco product” does not include a drug, device, or combination
20 product authorized for sale by the U.S. Food and Drug Administration under the Federal
21 Food, Drug, and Cosmetic Act.

22 **16–3B–02.**

23 **(A) A PERSON LICENSED UNDER THIS TITLE MAY NOT DIRECTLY OR**
24 **INDIRECTLY ADVERTISE OR MARKET TOBACCO PRODUCTS TO INDIVIDUALS UNDER**
25 **THE AGE OF 21 YEARS.**

26 **(B) IT IS A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A PERSON**
27 **LICENSED UNDER THIS TITLE TO USE ANY OF THE FOLLOWING IN THE ADVERTISING,**
28 **PROMOTION, PACKAGING, OR LABELING OF A TOBACCO PRODUCT:**

29 **(1) A CARTOON;**

1 **(2) A SUPERHERO;**

2 **(3) A VIDEO GAME REFERENCE;**

3 **(4) AN IMAGE OF A FOOD PRODUCT PRIMARILY INTENDED FOR**
4 **MINORS;**

5 **(5) A TRADEMARK THAT IMITATES OR MIMICS THE TRADEMARK OF A**
6 **PRODUCT THAT HAS BEEN ADVERTISED OR MARKETED PRIMARILY TO MINORS;**

7 **(6) A SYMBOL OR CELEBRITY THAT IS PRIMARILY ASSOCIATED WITH**
8 **MINORS OR MEDIA PRIMARILY DIRECTED TO INDIVIDUALS UNDER THE AGE OF 21**
9 **YEARS; AND**

10 **(7) AN IMAGE OF AN INDIVIDUAL WHO APPEARS TO BE UNDER THE**
11 **AGE OF 27 YEARS.**

12 **(C) IT IS A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A PERSON**
13 **LICENSED UNDER THIS TITLE TO ADVERTISE OR PROMOTE A TOBACCO PRODUCT:**

14 **(1) IN A NEWSPAPER, MAGAZINE, PERIODICAL, OR OTHER**
15 **PUBLICATION FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE**
16 **15% OR MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND**
17 **RELIABLE SURVEY EVIDENCE;**

18 **(2) AT A CONCERT, STADIUM, SPORTING EVENT, OR OTHER PUBLIC**
19 **EVENT FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE 15% OR**
20 **MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND RELIABLE**
21 **SURVEY EVIDENCE; OR**

22 **(3) ON AN OUTDOOR BILLBOARD OR SIGN BOARD THAT IS WITHIN 500**
23 **FEET OF A SCHOOL.**

24 16.5–101.

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

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:

1 1. tobacco; or

2 2. nicotine; or

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

5 (2) “Other tobacco products” includes:

6 (i) cigars, premium cigars, pipe tobacco, chewing tobacco, snuff, and
7 snus; and

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

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

10 (i) cigarettes;

11 (ii) electronic smoking devices;

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

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

17 **16.5–217.2.**

18 **(A) A PERSON LICENSED UNDER THIS TITLE MAY NOT DIRECTLY OR**
19 **INDIRECTLY ADVERTISE OR MARKET OTHER TOBACCO PRODUCTS TO INDIVIDUALS**
20 **UNDER THE AGE OF 21 YEARS.**

21 **(B) IT IS A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A PERSON**
22 **LICENSED UNDER THIS TITLE TO USE ANY OF THE FOLLOWING IN THE ADVERTISING,**
23 **PROMOTION, PACKAGING, OR LABELING OF OTHER TOBACCO PRODUCTS:**

24 **(1) A CARTOON;**

25 **(2) A SUPERHERO;**

26 **(3) A VIDEO GAME REFERENCE;**

1 **(4) AN IMAGE OF A FOOD PRODUCT PRIMARILY INTENDED FOR**
2 **MINORS;**

3 **(5) A TRADEMARK THAT IMITATES OR MIMICS THE TRADEMARK OF A**
4 **PRODUCT THAT HAS BEEN ADVERTISED OR MARKETED PRIMARILY TO MINORS;**

5 **(6) A SYMBOL OR CELEBRITY THAT IS PRIMARILY ASSOCIATED WITH**
6 **MINORS OR MEDIA PRIMARILY DIRECTED TO INDIVIDUALS UNDER THE AGE OF 21**
7 **YEARS; AND**

8 **(7) AN IMAGE OF AN INDIVIDUAL WHO APPEARS TO BE UNDER THE**
9 **AGE OF 27 YEARS.**

10 **(C) IT IS A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A PERSON**
11 **LICENSED UNDER THIS TITLE TO ADVERTISE OR PROMOTE OTHER TOBACCO**
12 **PRODUCTS:**

13 **(1) IN A NEWSPAPER, MAGAZINE, PERIODICAL, OR OTHER**
14 **PUBLICATION FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE**
15 **15% OR MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND**
16 **RELIABLE SURVEY EVIDENCE;**

17 **(2) AT A CONCERT, STADIUM, SPORTING EVENT, OR OTHER PUBLIC**
18 **EVENT FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE 15% OR**
19 **MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND RELIABLE**
20 **SURVEY EVIDENCE; OR**

21 **(3) ON AN OUTDOOR BILLBOARD OR SIGN BOARD THAT IS WITHIN 500**
22 **FEET OF A SCHOOL.**

23 16.7–101.

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

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

27 (2) “Electronic smoking device” includes:

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

30 (ii) except as provided in paragraph (3) of this subsection, any
31 component, part, or accessory of such a device regardless of whether or not it is sold

1 separately, including any substance intended to be aerosolized or vaporized during use of
2 the device.

3 (3) "Electronic smoking device" does not include:

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

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

7 (l) "Vaping liquid" means a liquid that:

8 (1) consists of propylene glycol, vegetable glycerin, or other similar
9 substance;

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

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

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

14 **16.7-213.4.**

15 (A) A PERSON LICENSED UNDER THIS TITLE MAY NOT DIRECTLY OR
16 INDIRECTLY ADVERTISE OR MARKET ELECTRONIC SMOKING DEVICES OR VAPING
17 LIQUID TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.

18 (B) IT IS A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A PERSON
19 LICENSED UNDER THIS TITLE TO USE ANY OF THE FOLLOWING IN THE ADVERTISING,
20 PROMOTION, PACKAGING, OR LABELING OF AN ELECTRONIC SMOKING DEVICE:

21 (1) A CARTOON;

22 (2) A SUPERHERO;

23 (3) A VIDEO GAME REFERENCE;

24 (4) AN IMAGE OF A FOOD PRODUCT PRIMARILY INTENDED FOR
25 MINORS;

26 (5) A TRADEMARK THAT IMITATES OR MIMICS THE TRADEMARK OF A
27 PRODUCT THAT HAS BEEN ADVERTISED OR MARKETED PRIMARILY TO MINORS;

1 **(6) A SYMBOL OR CELEBRITY THAT IS PRIMARILY ASSOCIATED WITH**
2 **MINORS OR MEDIA PRIMARILY DIRECTED TO INDIVIDUALS UNDER THE AGE OF 21**
3 **YEARS; AND**

4 **(7) AN IMAGE OF AN INDIVIDUAL WHO APPEARS TO BE UNDER THE**
5 **AGE OF 27 YEARS.**

6 **(C) IT IS A VIOLATION OF SUBSECTION (A) OF THIS SECTION FOR A PERSON**
7 **LICENSED UNDER THIS TITLE TO ADVERTISE OR PROMOTE AN ELECTRONIC**
8 **SMOKING DEVICE:**

9 **(1) IN A NEWSPAPER, MAGAZINE, PERIODICAL, OR OTHER**
10 **PUBLICATION FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE**
11 **15% OR MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND**
12 **RELIABLE SURVEY EVIDENCE;**

13 **(2) AT A CONCERT, STADIUM, SPORTING EVENT, OR OTHER PUBLIC**
14 **EVENT FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE 15% OR**
15 **MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND RELIABLE**
16 **SURVEY EVIDENCE; OR**

17 **(3) ON AN OUTDOOR BILLBOARD OR SIGN BOARD THAT IS WITHIN 500**
18 **FEET OF A SCHOOL.**

19 **[16.7–213.4.] 16.7–213.5.**

20 The Executive Director may adopt regulations to implement this subtitle.

21 16.7–214.

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2026.