

HOUSE BILL 1523

J1, A1

6lr2655
CF SB 820

By: ~~Delegate Ross~~ Delegates Ross, Alston, Bagnall, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaufman, Kipke, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Szeliga, Taveras, White Holland, and Woorman

Introduced and read first time: February 13, 2026

Assigned to: Health and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2026

CHAPTER _____

1 AN ACT concerning

2 **Alcohol, Tobacco, and Cannabis Commission – Unauthorized Consumable**
3 **Products – Enforcement and Seizure**

4 FOR the purpose of altering the violations of law with respect to which the Field
5 Enforcement Division of the Alcohol, Tobacco, and Cannabis Commission is
6 authorized to issue a citation or charging document; prohibiting a retailer from
7 distributing, selling, exposing for sale, or advertising for sale unauthorized
8 consumable products; authorizing the Executive Director of the Commission to seize,
9 confiscate, or destroy unauthorized consumable products and certain other products;
10 establishing and ~~repealing~~ altering certain provisions governing the enforcement of
11 certain prohibitions related to unauthorized consumable products; requiring the
12 Maryland Department of Health to report certain changes related to unauthorized
13 consumable products to the Alcohol, Tobacco, and Cannabis Commission within a
14 certain time; and generally relating to enforcement and seizure of unauthorized
15 consumable products by the Alcohol, Tobacco, and Cannabis Commission.

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages and Cannabis
18 Section 1–313, 6–101, and 6–207
19 Annotated Code of Maryland
20 (2024 Replacement Volume and 2025 Supplement)

21 BY adding to

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 Article – Alcoholic Beverages and Cannabis
2 Section 1–323
3 Annotated Code of Maryland
4 (2024 Replacement Volume and 2025 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Health – General
7 Section 21–2E–02, 21–2E–03, 21–2F–02, and 21–2F–03
8 Annotated Code of Maryland
9 (2023 Replacement Volume and 2025 Supplement)

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

12 **Article – Alcoholic Beverages and Cannabis**

13 1–313.

14 (a) There is a Field Enforcement Division in the Office of the Executive Director.

15 (b) (1) The Field Enforcement Division may employ officers and employees as
16 provided in the State budget.

17 (2) The officers and employees of the Field Enforcement Division:

18 (i) shall be sworn police officers;

19 (ii) shall have the powers, duties, and responsibilities of peace
20 officers to enforce the provisions of this article relating to:

21 1. the unlawful importation of alcoholic beverages, tobacco,
22 and cannabis into the State;

23 2. the unlawful manufacture of alcoholic beverages, tobacco,
24 and cannabis in the State;

25 3. the transportation and distribution throughout the State
26 of alcoholic beverages, tobacco, and cannabis that are manufactured illegally and on which
27 any alcoholic beverages taxes, tobacco taxes, or cannabis taxes imposed by the State are
28 due and unpaid; and

29 4. the manufacture, sale, barter, transportation,
30 distribution, or other form of owning, handling, or dispersing alcoholic beverages, tobacco,
31 or cannabis by any person not licensed or authorized under this article, provisions of the
32 Tax – General Article relating to alcoholic beverages, tobacco, or cannabis, or provisions of
33 the Business Regulation Article relating to alcoholic beverages, tobacco, or cannabis;

1 (iii) may issue a citation or other charging document to a person who
2 has committed a violation of [§ 10–108]:

- 3 1. SECTION 10–108 of the Criminal Law Article;
- 4 2. TITLE 21, SUBTITLE 2D OF THE HEALTH – GENERAL
5 ARTICLE;
- 6 3. TITLE 21, SUBTITLE 2E OF THE HEALTH – GENERAL
7 ARTICLE; AND
- 8 4. TITLE 21, SUBTITLE 2F OF THE HEALTH – GENERAL
9 ARTICLE; and

10 (iv) may make cooperative arrangements for and work and cooperate
11 with the Office of the Comptroller, local State’s Attorneys, sheriffs, bailiffs, police, and other
12 prosecuting and peace officers to enforce this article.

13 (c) The Field Enforcement Division:

14 (1) shall consult with and advise the local State’s Attorneys and other law
15 enforcement officials and police officers regarding enforcement problems in their respective
16 jurisdictions; and

17 (2) may recommend changes to improve the administration of this article,
18 provisions of the Tax – General Article relating to alcoholic beverages, tobacco, and
19 cannabis, and provisions of the Business Regulation Article relating to tobacco.

20 **1–323.**

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) “ADVERTISE” INCLUDES PACKAGING, LABELING, OR ELECTRONIC
24 COMMUNICATION.

25 (3) (I) “RETAILER” MEANS A PERSON THAT:

26 1. SELLS, PREPARES, OR MAINTAINS UNAUTHORIZED
27 CONSUMABLE PRODUCTS; OR

28 2. ADVERTISES, REPRESENTS, OR HOLDS ITSELF OUT AS
29 SELLING, PREPARING, OR MAINTAINING UNAUTHORIZED CONSUMABLE PRODUCTS.

1 **(II) “RETAILER” INCLUDES THE FOLLOWING PERSONS, IF THE**
2 **PERSON OTHERWISE MEETS THE DEFINITION ESTABLISHED UNDER SUBPARAGRAPH**
3 **(I) OF THIS PARAGRAPH:**

- 4 1. **A MANUFACTURER;**
- 5 2. **A WHOLESALER;**
- 6 3. **A STORE;**
- 7 4. **A RESTAURANT;**
- 8 5. **A HOTEL;**
- 9 6. **A CATERING FACILITY;**
- 10 7. **A CAMP;**
- 11 8. **A BAKERY;**
- 12 9. **A DELICATESSEN;**
- 13 10. **A SUPERMARKET;**
- 14 11. **A GROCERY STORE;**
- 15 12. **A CONVENIENCE STORE;**
- 16 13. **A GAS STATION;**
- 17 14. **A FOOD COMPANY; AND**
- 18 15. **A DRINK COMPANY.**

19 **(4) “UNAUTHORIZED CONSUMABLE PRODUCT” MEANS:**

20 **(I) A TIANEPTINE PRODUCT AS DEFINED IN § 21-2D-01 OF THE**
21 **HEALTH – GENERAL ARTICLE;**

22 **(II) A KRATOM PRODUCT, AS DEFINED IN § 21-2E-01 OF THE**
23 **HEALTH – GENERAL ARTICLE DESCRIBED IN § 21-2E-02(A)(2) OR § 21-2E-02(B)**
24 **OF THE HEALTH – GENERAL ARTICLE THAT IS ADVERTISED, PROMOTED,**

1 PACKAGED, OR LABELED IN A MANNER PROHIBITED UNDER § 21-2E-03 OF THE
2 HEALTH – GENERAL ARTICLE;

3 (III) A PHENIBUT PRODUCT AS DEFINED IN § 21-2F-01 OF THE
4 HEALTH – GENERAL ARTICLE THAT IS DESCRIBED IN § 21-2F-02(A)(2) OR §
5 21-2F-02(B) OF THE HEALTH – GENERAL ARTICLE THAT IS ADVERTISED,
6 PROMOTED, PACKAGED, OR LABELED IN A MANNER PROHIBITED UNDER § 21-2F-03
7 OF THE HEALTH – GENERAL ARTICLE; AND

8 (IV) A CONSUMABLE PRODUCT THAT CONTAINS A POISONOUS OR
9 DELETERIOUS SUBSTANCE IN VIOLATION OF A RULE OR REGULATION ADOPTED
10 UNDER § 21-239(C) OF THE HEALTH – GENERAL ARTICLE.

11 (B) A RETAILER MAY NOT DISTRIBUTE, SELL, EXPOSE FOR SALE, OR
12 ADVERTISE FOR SALE AN UNAUTHORIZED CONSUMABLE PRODUCT.

13 (C) THE EXECUTIVE DIRECTOR MAY SEIZE, CONFISCATE, OR DESTROY:

14 (1) AN UNAUTHORIZED CONSUMABLE PRODUCT THAT IS OFFERED,
15 ADVERTISED, OR DISPLAYED FOR SALE TO A CONSUMER IN THE STATE; AND

16 (2) A PRODUCT THAT IS LABELED, ADVERTISED, REPRESENTED, OR
17 OFFERED FOR SALE AS CONTAINING:

18 (I) ~~KRATOM;~~

19 ~~(II)~~ 7-HYDROXYMITRAGYNINE IN AN AMOUNT THAT:

20 1. FOR A KRATOM PRODUCT, IS GREATER THAN THE
21 AMOUNT PERMITTED UNDER § 21-2E-02(B)(1)(III) OF THE HEALTH – GENERAL
22 ARTICLE; OR

23 2. IS GREATER THAN 1 MILLIGRAM PER SERVING;

24 ~~(III)~~ ~~ANY PART OF THE PLANT MITRAGYNA SPECIOSA;~~

25 ~~(IV)~~ (II) TIANEPTINE SODIUM;

26 ~~(V)~~ (III) TIANEPTINE SULFATE; OR

27 ~~(VI)~~ ~~PHENIBUT; OR~~

28 ~~(VII)~~ (IV) BETA-PHENYL-GAMMA-AMINO BUTYRIC ACID HCL.

1 **(D) A PRODUCT SEIZED UNDER SUBSECTION (C) OF THIS SECTION IS**
2 **PRESUMED TO BE CONTRABAND AND SUBJECT TO SUMMARY FORFEITURE UNLESS**
3 **THE PERSON FROM WHOM THE PRODUCT WAS SEIZED DEMONSTRATES THE**
4 **PRODUCT WAS APPROVED FOR SALE AND DISTRIBUTION FOR THE PURPOSES OF**
5 **HUMAN CONSUMPTION BY:**

6 **(1) THE MARYLAND DEPARTMENT OF HEALTH; OR**

7 **(2) THE U.S. FOOD AND DRUG ADMINISTRATION.**

8 **(E) A RETAILER THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS**
9 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
10 **EXCEEDING \$5,000.**

11 **(F) IN ADDITION TO THE PENALTIES ESTABLISHED UNDER THIS SECTION:**

12 **(1) THE DISTRICT COURT MAY ORDER THE EXECUTIVE DIRECTOR,**
13 **THE COMPTROLLER, OR THE APPLICABLE LOCAL LICENSING BOARD OR**
14 **COMMISSION TO:**

15 **(I) SUSPEND OR REVOKE A LICENSE ISSUED UNDER THIS**
16 **ARTICLE OR TITLE 16, 16.5, 16.7, OR 17 OF THE BUSINESS REGULATION ARTICLE;**
17 **AND**

18 **(II) DISPOSE OF OR DESTROY AN UNAUTHORIZED CONSUMABLE**
19 **PRODUCT SEIZED UNDER SUBSECTION (C) OF THIS SECTION; AND**

20 **(2) A RETAILER THAT VIOLATES THIS SECTION IS LIABLE FOR CIVIL**
21 **DAMAGES SUSTAINED BY AN INDIVIDUAL THAT RESULT FROM THE VIOLATION.**

22 6-101.

23 (a) Alcoholic beverages, **UNAUTHORIZED CONSUMABLE PRODUCTS, AS**
24 **DEFINED UNDER § 1-323 OF THIS ARTICLE**, and other contraband kept, possessed, used,
25 sold, manufactured, stored, or transported in violation of this article:

26 (1) are subject to seizure and forfeiture; and

27 (2) when seized, may be recovered or disposed of only as provided in this
28 subtitle.

29 (b) Property is forfeited if it:

1 (1) was seized as contraband in the possession or control of a defendant
2 who is found guilty of violating this article; [or]

3 (2) is otherwise found to be contraband or in violation of this article; OR

4 **(3) WAS SEIZED IN ACCORDANCE WITH § 1-323 OF THIS ARTICLE.**

5 (c) (1) Except as provided in paragraph (2) of this subsection, property is
6 forfeited if it:

7 (i) is seized as contraband and remains unclaimed for 30 days after
8 seizure; and

9 (ii) has not been destroyed in accordance with this subtitle.

10 (2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is
11 forfeited unless a protest is filed within 30 days after the publication under subparagraph
12 (ii) of this paragraph.

13 (ii) The Comptroller or the Executive Director, as appropriate:

14 1. if possible, shall notify the registered owner of the
15 property of the seizure; and

16 2. shall publish a notice:

17 A. in a newspaper of general circulation in the county where
18 the vehicle, vessel, or aircraft was seized; and

19 B. informing interested persons of the seizure and the right
20 to file a protest.

21 6-207.

22 (a) In this section, "tetrahydrocannabinol" has the meaning stated in § 36-1102
23 of this article.

24 (b) In a prosecution for selling alcoholic beverages or tetrahydrocannabinol
25 without an appropriate license, proof that the defendant displayed or offered alcoholic
26 beverages or tetrahydrocannabinol for sale, or kept a place of business where alcoholic
27 beverages or tetrahydrocannabinol were displayed or offered for sale, is prima facie
28 evidence that the defendant sold alcoholic beverages or tetrahydrocannabinol.

29 **(C) IN A PROSECUTION FOR A VIOLATION OF § 1-323(B) OF THIS ARTICLE**
30 **OR A VIOLATION LISTED IN § 1-313(B)(2)(III)2, 3, OR 4 OF THIS ARTICLE, PROOF**
31 **THAT THE DEFENDANT DISPLAYED OR OFFERED FOR SALE AN UNAUTHORIZED**

1 CONSUMABLE PRODUCT, OR KEPT A PLACE OF BUSINESS WHERE AN UNAUTHORIZED
2 CONSUMABLE PRODUCT WAS DISPLAYED, ADVERTISED, OR OFFERED FOR SALE, IS
3 PRIMA FACIE EVIDENCE THAT THE DEFENDANT SOLD AN UNAUTHORIZED
4 CONSUMABLE PRODUCT.

5 **Article – Health – General**

6 21–2E–02.

7 (a) (1) A retailer that prepares, distributes, sells, or exposes for sale a kratom
8 product shall disclose on the product label the factual basis on which the representation is
9 made.

10 (2) A retailer may not prepare, distribute, sell, or expose for sale a kratom
11 product that:

12 (i) Does not comply with the disclosure requirement established
13 under paragraph (1) of this subsection; or

14 (ii) Has not been recognized as a dietary ingredient or approved drug
15 by the U.S. Food and Drug Administration.

16 (b) (1) Subject to paragraph (2) of this subsection, a retailer may not prepare,
17 distribute, sell, or expose for sale any of the following:

18 (i) A kratom product that is adulterated with a dangerous substance
19 other than kratom;

20 (ii) A kratom product that is contaminated with a dangerous
21 substance other than kratom;

22 (iii) A kratom product containing a level of 7–hydroxymitragynine in
23 the alkaloid fraction that is greater than 2% of the alkaloid composition of the product;

24 (iv) A kratom product containing a synthetic alkaloid, including
25 synthetic mitragynine, synthetic 7–hydroxymitragynine, or any other synthetically derived
26 compound of the kratom plant; or

27 (v) A product containing kratom that does not include on its package
28 or label the amount of mitragynine and 7–hydroxymitragynine contained in the product.

29 (2) (i) For the purpose of paragraph (1)(i) of this subsection, a kratom
30 product is adulterated with a dangerous substance other than kratom if:

31 1. The kratom product is mixed or packed with a substance
32 other than kratom; and

1 2. That substance affects the quality or strength of the
2 kratom product to a degree as to render the kratom product injurious to a consumer.

3 (ii) For the purpose of paragraph (1)(ii) of this subsection, a kratom
4 product is contaminated with a dangerous substance other than kratom if the kratom
5 product contains a poisonous or otherwise deleterious ingredient other than kratom,
6 including a drug that is designated as a controlled dangerous substance under Title 5 of
7 the Criminal Law Article.

8 (c) A retailer may not distribute, sell, or expose for sale a kratom product to an
9 individual under the age of 21 years.

10 (d) ~~In~~ a prosecution for a violation of this section, it is a **REBUTTABLE** defense
11 that the defendant relied in good faith on the representations ~~of a manufacturer, processor,~~
12 ~~packer, or distributor of~~ **ON THE MANUFACTURER'S LABEL ON** a kratom product.

13 (e) ~~f~~ A retailer that violates subsection (a)(1) of this section is subject to a civil
14 penalty not exceeding:

15 (1) \$1,000 for a first violation; and

16 (2) \$2,000 for each subsequent violation.

17 ~~(f)~~ ~~(e)~~ A retailer that violates subsection (a)(2), (b), or (c) of this section is
18 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000,
19 imprisonment for not more than 90 days, or both.

20 ~~(g)~~ ~~(f)~~ In addition to any other penalties specified in this section, a retailer
21 who violates this section is liable for any civil damages sustained by the individual resulting
22 from the violation.

23 21-2E-03.

24 (a) A retailer may not directly or indirectly advertise a therapeutic benefit of
25 kratom.

26 (b) A retailer may not directly or indirectly advertise or market kratom products
27 to minors.

28 (c) It is a violation of subsection (b) of this section for a retailer to use any of the
29 following in the advertising, promotion, packaging, or labeling of a kratom product:

30 (1) A cartoon;

31 (2) A superhero;

32 (3) A video game reference;

1 (4) An image of a food product primarily intended for minors;

2 (5) A trademark that imitates or mimics the trademark of a product that
3 has been advertised or marketed primarily to minors;

4 (6) A symbol or celebrity that is primarily associated with minors or media
5 primarily directed to minors; [and]

6 (7) An image of an individual who appears to be under the age of 27 years;

7 **AND**

8 **(8) OTHER IMAGES, GRAPHICS, OR FEATURES OR LIKENESSES TO**
9 **IMAGES, GRAPHICS, OR FEATURES THAT ARE POPULARLY USED TO ADVERTISE TO**
10 **CHILDREN, INCLUDING:**

11 **(I) NEON COLORS, SIGNS, OR OTHER BRIGHTLY COLORED**
12 **DISPLAYS;**

13 **(II) ANIMALS;**

14 **(III) MASCOTS; OR**

15 **(IV) STATEMENTS, ARTWORK, OR DESIGNS THAT COULD**
16 **REASONABLY MISLEAD AN INDIVIDUAL TO BELIEVE THAT THE PACKAGE CONTAINS**
17 **ANYTHING OTHER THAN A KRATOM PRODUCT.**

18 (d) It is a violation of subsection (b) of this section for a retailer to advertise or
19 promote a kratom product:

20 (1) In a newspaper, a magazine, a periodical, or any other publication for
21 which individuals under the age of 21 years constitute 15% or more of the total audience,
22 as measured by competent and reliable survey evidence;

23 (2) At a concert, a stadium, a sporting event, or any other public event for
24 which individuals under the age of 21 years constitute 15% or more of the total audience,
25 as measured by competent and reliable survey evidence; or

26 (3) [On an outdoor billboard or sign board that is within 500 feet of a
27 school] **BY PLACING AN ADVERTISEMENT FOR KRATOM ON THE SIDE OF A BUILDING**
28 **OR ANOTHER PUBLICLY VISIBLE LOCATION OF ANY FORM, INCLUDING A SIGN, A**
29 **POSTER, A PLACARD, A DEVICE, A GRAPHIC DISPLAY, AN OUTDOOR BILLBOARD, OR**
30 **A FREESTANDING SIGNBOARD.**

1 **(E) A RETAILER THAT VIOLATES THIS SECTION IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000,**
3 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.**

4 21-2F-02.

5 (a) (1) A retailer that prepares, distributes, sells, or exposes for sale a
6 phenibut product shall disclose on the product label the factual basis on which any
7 representations regarding the phenibut product are made.

8 (2) A retailer may not prepare, distribute, sell, or expose for sale a phenibut
9 product that:

10 (i) Does not comply with the disclosure requirement established
11 under paragraph (1) of this subsection; or

12 (ii) Has not been recognized as a dietary ingredient or approved drug
13 by the U.S. Food and Drug Administration.

14 (b) (1) Subject to paragraph (2) of this subsection, a retailer may not prepare,
15 distribute, sell, or expose for sale any of the following:

16 (i) A phenibut product that is adulterated with a dangerous
17 substance other than phenibut;

18 (ii) A phenibut product that is contaminated with a dangerous
19 substance other than phenibut; or

20 (iii) A product containing phenibut that does not include on its
21 package or label the amount of beta-phenyl-gamma-aminobutyric acid HCl contained in
22 the product.

23 (2) (i) For the purpose of paragraph (1)(i) of this subsection, a phenibut
24 product is adulterated with a dangerous substance other than phenibut if:

25 1. The phenibut product is mixed or packed with a substance
26 other than phenibut; and

27 2. That substance affects the quality or strength of the
28 phenibut product to a degree as to render the phenibut product injurious to a consumer.

29 (ii) For the purpose of paragraph (1)(ii) of this subsection, a phenibut
30 product is contaminated with a dangerous substance other than phenibut if the phenibut
31 product contains a poisonous or otherwise deleterious ingredient other than phenibut,
32 including a drug that is designated as a controlled dangerous substance under Title 5 of
33 the Criminal Law Article.

1 (c) A retailer may not distribute, sell, or expose for sale a phenibut product to an
2 individual under the age of 21 years.

3 (d) ~~¶~~In a prosecution for a violation of this section, it is a **REBUTTABLE** defense
4 that the defendant relied in good faith on the representations ~~of a manufacturer, processor,~~
5 ~~packer, or distributor of~~ **ON THE MANUFACTURER'S LABEL ON** a phenibut product.

6 (e) ~~¶~~ A retailer that violates subsection (a)(1) of this section is subject to a civil
7 penalty not exceeding:

8 (1) \$1,000 for a first violation; and

9 (2) \$2,000 for each subsequent violation.

10 ~~¶(f) (F)~~ A retailer that violates subsection (a)(2), (b), or (c) of this section is
11 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000,
12 imprisonment for not more than 90 days, or both.

13 ~~¶(g) (F)~~ In addition to any other penalties specified in this section, a retailer
14 who violates this section is liable for any civil damages sustained by the individual resulting
15 from the violation.

16 21-2F-03.

17 (a) A retailer may not directly or indirectly advertise a therapeutic benefit of
18 phenibut.

19 (b) A retailer may not directly or indirectly advertise or market phenibut products
20 to minors.

21 (c) It is a violation of subsection (b) of this section for a retailer to use any of the
22 following in the advertising, promotion, packaging, or labeling of a phenibut product:

23 (1) A cartoon;

24 (2) A superhero;

25 (3) A video game reference;

26 (4) An image of a food product primarily intended for minors;

27 (5) A trademark that imitates or mimics the trademark of a product that
28 has been advertised or marketed primarily to minors;

29 (6) A symbol or celebrity that is primarily associated with minors or media
30 primarily directed to minors; [and]

1 (7) An image of an individual who appears to be under the age of 27 years;
2 **AND**

3 (8) **OTHER IMAGES, GRAPHICS, OR FEATURES OR LIKENESSES TO**
4 **IMAGES, GRAPHICS, OR FEATURES THAT ARE POPULARLY USED TO ADVERTISE TO**
5 **CHILDREN, INCLUDING:**

6 (I) **NEON COLORS, SIGNS, OR OTHER BRIGHTLY COLORED**
7 **DISPLAYS;**

8 (II) **ANIMALS;**

9 (III) **MASCOTS; OR**

10 (IV) **STATEMENTS, ARTWORK, OR DESIGNS THAT COULD**
11 **REASONABLY MISLEAD AN INDIVIDUAL TO BELIEVE THAT THE PACKAGE CONTAINS**
12 **ANYTHING OTHER THAN A PHENIBUT PRODUCT.**

13 (d) It is a violation of subsection (b) of this section for a retailer to advertise or
14 promote a phenibut product:

15 (1) In a newspaper, a magazine, a periodical, or any other publication for
16 which individuals under the age of 21 years constitute 15% or more of the total audience,
17 as measured by competent and reliable survey evidence;

18 (2) At a concert, a stadium, a sporting event, or any other public event for
19 which individuals under the age of 21 years constitute 15% or more of the total audience,
20 as measured by competent and reliable survey evidence; or

21 (3) **[On an outdoor billboard or sign board that is within 500 feet of a**
22 **school] BY PLACING AN ADVERTISEMENT FOR ~~KRATOM~~ PHENIBUT ON THE SIDE OF A**
23 **BUILDING OR ANOTHER PUBLICLY VISIBLE LOCATION OF ANY FORM, INCLUDING A**
24 **SIGN, A POSTER, A PLACARD, A DEVICE, A GRAPHIC DISPLAY, AN OUTDOOR**
25 **BILLBOARD, OR A FREESTANDING SIGNBOARD.**

26 (E) **A RETAILER THAT VIOLATES THIS SECTION IS GUILTY OF A**
27 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000,**
28 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of
30 Health shall notify the Alcohol, Tobacco, and Cannabis Commission within 30 days after a
31 change is made in the regulatory or approval status of kratom products, tianeptine
32 products, phenibut products, or any other product designated by the Secretary of Health as
33 an unauthorized consumable product.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.