**Clerk’s note:** The section number for Section 24-15 was renumbered to Section 24-16 on lines 1 and 3. The first page and line 2 was amended accordingly.

Bill No. 32-19  
Concerning: Health and Sanitation — Flavored Electronic Cigarettes  
Revised: 9/25/2019  
Draft No. 5  
Introduced: October 1, 2019  
Enacted: March 31, 2020  
Executive: April 3, 2020  
Effective: July 3, 2020  
Sunset Date: None  
Ch. 13, Laws of Mont. Co. 2020

**COUNTY COUNCIL**  
**FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmembers Riemer and Albornoz  
Co-Sponsors: Councilmember Hucker, Council Vice President Katz, Council President Navarro, and Councilmembers Jawando and Glass

**AN ACT** to:

(1) prohibit an electronic smoking devices manufacturer from distributing flavored electronic cigarettes to certain retail stores in the County; and  
(2) generally amend County law regarding smoking, electronic cigarettes, and health and sanitation.

By amending

Montgomery County Code  
Chapter 24, Health and Sanitation  
Section [[(24-15)] 24-16

| **Boldface** | Heading or defined term. |
| **Underlining** | Added to existing law by original bill. |
| [Single boldface brackets] | Deleted from existing law by original bill. |
| **Double underlining** | Added by amendment. |
| [[Double boldface brackets]] | Deleted from existing law or the bill by amendment. |
| * * * | Existing law unaffected by bill. |

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section [[24-15]] 24-16 is amended as follows:


(a) Definition. In this Section, the following words have the meanings indicated:

Characterizing flavor means a distinguishing taste or aroma, other than the taste or aroma of tobacco, imparted either before or during use of an electronic cigarette or component part. Characterizing flavor includes any taste or aroma relating to any fruit, mint, menthol, wintergreen, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice. However, an electronic cigarette is not deemed to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

Constituent means any ingredient, substance, chemical, or compound, other than nicotine, tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to an electronic cigarette during the processing, manufacture or packing of the electronic cigarette.

Distribute means to:

(1) give away, sell, deliver, dispense, or issue;
(2) offer to give away, sell, deliver, dispense, or issue; or
(3) cause or hire any person to give away, sell, deliver, dispense, or issue or offer to give away, sell, deliver, dispense, or issue.

Flavored electronic cigarette means any electronic cigarette or any component part thereof that contains a constituent that imparts a characterizing flavor.
Manufacturer means an electronic smoking devices manufacturer as defined in Section 16.7-101 of the Business Regulations Article of the Maryland Code.

(b) Unlawful distribution. A manufacturer must not distribute any flavored electronic cigarette to any retail store within [[1.0 mile]] 0.5 miles of any elementary, middle, or high school, library, [[park, playground]], or recreational facility in the County.
Approved:

Sidney Katz, President, County Council

Approved:

Marc Elrich, County Executive

This is a correct copy of Council action.

Selena Mendy Singleton, Esq. Clerk of the Council