

SENATE BILL 90

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EMERGENCY BILL
(PRE-FILED)

8lr0959
CF HB 47

By: **Senator Middleton**

Requested: October 25, 2017

Introduced and read first time: January 10, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Nicotine Delivery Systems Retailer License – Sales Through Mail or**
3 **Electronic Network**

4 FOR the purpose of authorizing the holder of an electronic nicotine delivery systems
5 retailer license to make sales to consumers through the mail, a computer network, a
6 telephonic network, or another electronic network; making this Act an emergency
7 measure; and generally relating to the sale of electronic nicotine delivery systems.

8 BY repealing and reenacting, with amendments,
9 Article – Business Regulation
10 Section 16.7–204(b)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2017 Supplement)

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

15 **Article – Business Regulation**

16 16.7–204.

17 (b) [(1)] An electronic nicotine delivery systems retailer license authorizes the
18 licensee to:

19 [(i)] (1) [except as provided in paragraph (2) of this subsection,]
20 sell electronic nicotine delivery systems to consumers;

21 [(ii)] (2) buy electronic nicotine delivery systems from an electronic
22 nicotine delivery systems wholesaler distributor or electronic nicotine delivery systems

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 wholesaler importer;

2 ~~[(iii)]~~ **(3)** if the electronic nicotine delivery systems retailer licensee
3 also holds a license to act as an electronic nicotine delivery systems manufacturer, sell at
4 retail electronic nicotine delivery systems manufactured under the manufacturer license;
5 and

6 ~~[(iv)]~~ **(4)** except as otherwise prohibited or restricted under local
7 law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article,
8 distribute sample electronic nicotine delivery systems products to consumers in the State.

9 **[(2)** An electronic nicotine delivery systems retailer license does not
10 authorize the licensee to ship, sell, or cause to be shipped to a consumer who purchases or
11 orders an electronic nicotine delivery system through the mail, a computer network, a
12 telephonic network, or another electronic network.]

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety, has
15 been passed by a yea and nay vote supported by three–fifths of all the members elected to
16 each of the two Houses of the General Assembly, and shall take effect from the date it is
17 enacted.