

SENATE BILL 54

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EMERGENCY BILL
(PRE-FILED)

0lr0738

By: **Senators Lam and Kelley**

Requested: September 23, 2019

Introduced and read first time: January 8, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Smoking Devices – Added Flavoring – Prohibition on Shipping,**
3 **Import, or Sale**

4 FOR the purpose of prohibiting a person from shipping, importing, or selling into or within
5 the State an electronic smoking device to which a certain artificial or natural
6 flavoring is added; declaring the intent of the General Assembly; making this Act an
7 emergency measure; and generally relating to a prohibition against electronic
8 smoking devices that contain an added flavoring.

9 BY repealing and reenacting, with amendments,
10 Article – Business Regulation
11 Section 16.7–213
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Business Regulation
16 Section 16.7–214
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2019 Supplement)

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

21 **Article – Business Regulation**

22 16.7–213.

23 (a) A person may not ship, import, or sell into or within the State any electronic
24 smoking devices unless the person holds any license required by this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person that ships, imports, or sells electronic smoking devices into or within
2 the State:

3 (1) shall comply with any federal and State requirements concerning the
4 placement of warning labels or other information on the containers or individual packages
5 of electronic smoking devices; and

6 (2) shall ensure that the containers or individual packages of electronic
7 smoking devices do not contain any information or markings that are false, misleading, or
8 contrary to:

9 (i) federal trademark laws; or

10 (ii) the trademark law of the State under Title 1, Subtitle 4 of this
11 article.

12 (c) **A PERSON MAY NOT SHIP, IMPORT, OR SELL INTO OR WITHIN THE STATE**
13 **ANY ELECTRONIC SMOKING DEVICE TO WHICH AN ARTIFICIAL OR NATURAL**
14 **FLAVORING, OTHER THAN TOBACCO, IS ADDED TO IMPART A PARTICULAR AROMA**
15 **OR TASTE.**

16 (D) A person that ships, imports, or sells electronic smoking devices into or within
17 the State in violation of this section is subject to disciplinary action by the Comptroller
18 under § 16.7–207 of this subtitle.

19 16.7–214.

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
24 Assembly that a product that is approved by the U.S. Food and Drug Administration as a
25 drug, device, or combination product authorized for sale under the Federal Food, Drug, and
26 Cosmetic Act that contains an artificial or natural flavoring, other than tobacco, is not an
27 electronic smoking device regulated by Section 1 of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a ye and nay vote supported by three-fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.