

SENATE BILL 410

C2, J1

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By: **Senators Kramer, Rosapepe, and West**
Introduced and read first time: January 27, 2020
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Smoking Devices – Flavor Prohibition**

3 FOR the purpose of prohibiting the sale of an electronic smoking device that contains
4 certain flavors; establishing a certain penalty for a violation of this Act; and generally
5 relating to electronic smoking devices.

6 BY repealing and reenacting, without amendments,
7 Article – Business Regulation
8 Section 16.7–101(a) and (c)
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2019 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Business Regulation
13 Section 16.7–213
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2019 Supplement)

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

18 **Article – Business Regulation**

19 16.7–101.

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

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

23 (2) “Electronic smoking device” includes:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (ii) any component, part, or accessory of such a device regardless of
4 whether or not it is sold separately, including any substance intended to be aerosolized or
5 vaporized during use of the device.

6 (3) "Electronic smoking device" does not include a drug, device, or
7 combination product authorized for sale by the U.S. Food and Drug Administration under
8 the Federal Food, Drug, and Cosmetic Act.

9 16.7–213.

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

12 **(B) (1) A PERSON MAY NOT SELL AN ELECTRONIC SMOKING DEVICE THAT**
13 **CONTAINS A NATURAL OR ARTIFICIAL FLAVOR, OTHER THAN TOBACCO.**

14 **(2) A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF A**
15 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000**
16 **OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.**

17 **[(b)] (C)** A person that ships, imports, or sells electronic smoking devices into or
18 within the State:

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

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

25 (i) federal trademark laws; or

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

28 **[(c)] (D)** A person that ships, imports, or sells electronic smoking devices into or
29 within the State in violation of this section is subject to disciplinary action by the
30 Comptroller under § 16.7–207 of this subtitle.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2020.