

HOUSE BILL 1341

C2, J1, L2

2lr2937

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Other Tobacco Products and Electronic Smoking**
3 **Devices – Requirements and Limitations**

4 FOR the purpose of authorizing Prince George's County to enact and enforce local laws that
5 regulate the sale and distribution of certain tobacco products and electronic smoking
6 devices; establishing, in Prince George's County, grounds for the reprimand of
7 certain licensees and the denial, suspension, and revocation of certain licenses; and
8 generally relating to the sale and distribution of other tobacco products and
9 electronic smoking devices in Prince George's County.

10 BY adding to

11 Article – Business Regulation
12 Section 16.5–104 and 16.7–103
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Business Regulation
17 Section 16.5–204, 16.5–208, 16.7–202(b), and 16.7–207
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2021 Supplement)

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

22 **Article – Business Regulation**

23 **16.5–104.**

24 **PRINCE GEORGE'S COUNTY MAY ENACT AND ENFORCE LOCAL LAWS THAT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 REGULATE THE SALE AND DISTRIBUTION OF OTHER TOBACCO PRODUCTS,
2 INCLUDING LAWS THAT:

3 (1) LIMIT THE NUMBER OF OTHER TOBACCO PRODUCTS RETAILER
4 LICENSES ISSUED IN PRINCE GEORGE'S COUNTY;

5 (2) ESTABLISH REQUIREMENTS FOR OTHER TOBACCO PRODUCTS
6 RETAILER LICENSE APPLICANTS OR LICENSEES IN PRINCE GEORGE'S COUNTY; AND

7 (3) PROHIBIT THE OPERATION OF OTHER TOBACCO PRODUCTS
8 BUSINESSES IN DESIGNATED GEOGRAPHIC AREAS, INCLUDING THROUGH THE USE
9 OF DENSITY ZONE RESTRICTIONS.

10 16.5-204.

11 (a) The Executive Director shall issue an appropriate license to each applicant
12 who meets the requirements of this subtitle for a license to act as a licensed other tobacco
13 products manufacturer, other tobacco products storage warehouse, or other tobacco
14 products wholesaler.

15 (b) (1) The clerk of the circuit court shall issue to each applicant who meets
16 the requirements of this subtitle a license to act as an other tobacco products retailer or a
17 tobacconist.

18 (2) (I) THIS PARAGRAPH APPLIES TO OTHER TOBACCO PRODUCTS
19 RETAILER LICENSE APPLICANTS IN PRINCE GEORGE'S COUNTY.

20 (II) THE CLERK OF THE CIRCUIT COURT SHALL DENY A LICENSE
21 TO AN APPLICANT IF THE APPLICANT:

22 1. ACTS OR SEEKS TO ACT AS AN OTHER TOBACCO
23 PRODUCTS RETAILER AT A LOCATION THAT IS WITHIN 1,500 FEET OF A PUBLIC OR
24 PRIVATE PRIMARY OR SECONDARY SCHOOL;

25 2. ACTS OR SEEKS TO ACT AS AN OTHER TOBACCO
26 PRODUCTS RETAILER AT A LOCATION IN A CENSUS TRACT THAT HAS AN AVERAGE OF
27 THREE OR MORE EXISTING LICENSED PREMISES WITH AN OTHER TOBACCO
28 PRODUCTS RETAILER LICENSE PER SQUARE MILE;

29 3. IS DELINQUENT IN THE PAYMENT OF STATE TAXES;
30 OR

31 4. DOES NOT MEET ANY OTHER REQUIREMENT
32 ESTABLISHED BY PRINCE GEORGE'S COUNTY FOR OTHER TOBACCO PRODUCTS

1 **RETAILER APPLICANTS OR LICENSEES.**

2 16.5–208.

3 (a) Subject to the hearing provisions of § 16.5–209 of this subtitle, the Executive
4 Director may deny a license to an applicant, reprimand a licensee, or suspend or revoke a
5 license if the applicant or licensee:

6 (1) fraudulently or deceptively obtains or attempts to obtain a license for
7 the applicant or licensee or for another person;

8 (2) fraudulently or deceptively uses a license;

9 (3) buys other tobacco products for resale:

10 (i) in violation of a license; or

11 (ii) from a person who is not an other tobacco products manufacturer
12 or licensed other tobacco products wholesaler;

13 (4) is convicted, under the laws of the United States or of any other state,
14 of:

15 (i) a felony; or

16 (ii) a misdemeanor that is a crime of moral turpitude and is directly
17 related to the fitness and qualification of the applicant or licensee;

18 (5) violates Title 12 of the Tax – General Article or regulations adopted
19 under that title; or

20 (6) violates this title or Title 16 of this article or regulations adopted under
21 these titles.

22 **(B) (1) THIS SUBSECTION APPLIES TO OTHER TOBACCO PRODUCTS**
23 **RETAILER LICENSE APPLICANTS OR LICENSEES IN PRINCE GEORGE’S COUNTY.**

24 **(2) SUBJECT TO THE HEARING PROVISIONS OF § 16.5–209 OF THIS**
25 **SUBTITLE, THE EXECUTIVE DIRECTOR MAY DENY A LICENSE TO ANY APPLICANT,**
26 **REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR**
27 **LICENSEE:**

28 **(I) ACTS OR SEEKS TO ACT AS AN OTHER TOBACCO PRODUCTS**
29 **RETAILER AT A LOCATION THAT IS WITHIN 1,500 FEET OF A PUBLIC OR PRIVATE**
30 **PRIMARY OR SECONDARY SCHOOL;**

1 **(II) ACTS OR SEEKS TO ACT AS AN OTHER TOBACCO PRODUCTS**
2 **RETAILER AT A LOCATION IN A CENSUS TRACT THAT HAS AN AVERAGE OF THREE OR**
3 **MORE EXISTING LICENSED PREMISES WITH AN OTHER TOBACCO PRODUCTS**
4 **RETAILER LICENSE PER SQUARE MILE;**

5 **(III) IS DELINQUENT IN THE PAYMENT OF STATE TAXES; OR**

6 **(IV) DOES NOT MEET ANY OTHER REQUIREMENT ESTABLISHED**
7 **BY PRINCE GEORGE'S COUNTY FOR OTHER TOBACCO PRODUCTS RETAILER**
8 **APPLICANTS OR LICENSEES.**

9 **[(b)] (C)** Subject to the hearing provisions of § 16.5–209 of this subtitle, the
10 Executive Director shall deny a license to any applicant who has had a license revoked
11 under this section until:

12 (1) 1 year has passed since the license was revoked; and

13 (2) it satisfactorily appears to the Executive Director that the applicant
14 will comply with this title and any regulations adopted under this title.

15 **[(c)] (D)** Prior to the issuance or renewal of any license, the Executive Director
16 shall conduct an investigation with regard to:

17 (1) the applicant;

18 (2) the business to be operated; and

19 (3) the facts set forth in the application.

20 **16.7–103.**

21 **PRINCE GEORGE'S COUNTY MAY ENACT AND ENFORCE LOCAL LAWS THAT**
22 **REGULATE THE SALE AND DISTRIBUTION OF ELECTRONIC SMOKING DEVICES,**
23 **INCLUDING LAWS THAT:**

24 **(1) LIMIT THE NUMBER OF ELECTRONIC SMOKING DEVICES RETAILER**
25 **AND VAPE SHOP VENDOR LICENSES ISSUED IN PRINCE GEORGE'S COUNTY;**

26 **(2) ESTABLISH REQUIREMENTS FOR ELECTRONIC SMOKING DEVICES**
27 **RETAILER OR VAPE SHOP VENDOR LICENSE APPLICANTS OR LICENSEES IN PRINCE**
28 **GEORGE'S COUNTY; AND**

29 **(3) PROHIBIT THE OPERATION OF ELECTRONIC SMOKING DEVICES OR**
30 **VAPE SHOP VENDOR BUSINESSES IN DESIGNATED GEOGRAPHIC AREAS, INCLUDING**
31 **THROUGH THE USE OF DENSITY ZONE RESTRICTIONS.**

1 16.7–202.

2 (b) (1) An applicant for a license to act as an electronic smoking devices
3 retailer or a vape shop vendor:

4 (i) shall obtain a county license by submitting to the clerk an
5 application for each permanent or temporary place of business located in the same
6 enclosure and operated by the same applicant; and

7 (ii) except as provided in paragraph (2) of this subsection, shall pay
8 to the clerk a fee of \$25.

9 (2) The application shall:

10 (i) be made on the form that the clerk requires; and

11 (ii) contain the information that the Executive Director requires.

12 **(3) (I) THIS PARAGRAPH APPLIES TO ELECTRONIC SMOKING**
13 **DEVICES RETAILER AND VAPE SHOP VENDOR LICENSE APPLICANTS IN PRINCE**
14 **GEORGE’S COUNTY.**

15 **(II) THE CLERK OF THE CIRCUIT COURT SHALL DENY A LICENSE**
16 **TO ANY APPLICANT IF THE APPLICANT:**

17 **1. ACTS OR SEEKS TO ACT AS AN ELECTRONIC SMOKING**
18 **DEVICES RETAILER OR A VAPE SHOP VENDOR AT A LOCATION THAT IS WITHIN 1,500**
19 **FEET OF A PUBLIC OR PRIVATE PRIMARY OR SECONDARY SCHOOL;**

20 **2. ACTS OR SEEKS TO ACT AS AN ELECTRONIC SMOKING**
21 **DEVICES RETAILER OR A VAPE SHOP VENDOR AT A LOCATION IN A CENSUS TRACT**
22 **THAT HAS AN AVERAGE OF THREE OF MORE EXISTING LICENSED PREMISES WITH AN**
23 **ELECTRONIC SMOKING DEVICES RETAILER OR VAPE SHOP VENDOR LICENSE PER**
24 **SQUARE MILE;**

25 **3. IS DELINQUENT IN THE PAYMENT OF STATE TAXES;**
26 **OR**

27 **4. DOES NOT MEET ANY OTHER REQUIREMENT**
28 **ESTABLISHED BY PRINCE GEORGE’S COUNTY FOR ELECTRONIC SMOKING DEVICES**
29 **RETAILER OR VAPE SHOP VENDOR LICENSE APPLICANTS OR LICENSEES.**

30 16.7–207.

1 (a) Subject to the hearing provisions of § 16.7–208 of this subtitle, the Executive
2 Director may deny a license to an applicant, reprimand a licensee, or suspend or revoke a
3 license if the applicant or licensee:

4 (1) fraudulently or deceptively obtains or attempts to obtain a license for
5 the applicant, licensee, or another person;

6 (2) fraudulently or deceptively uses a license;

7 (3) buys electronic smoking devices for resale:

8 (i) in violation of a license; or

9 (ii) from a person that is not a licensed electronic smoking devices
10 manufacturer or a licensed electronic smoking devices wholesaler;

11 (4) is convicted, under the laws of the United States or of any other state,
12 of:

13 (i) a felony; or

14 (ii) a misdemeanor that is a crime of moral turpitude and is directly
15 related to the fitness and qualification of the applicant or licensee;

16 (5) violates federal, State, or local law regarding the sale of electronic
17 smoking devices; or

18 (6) violates this title, Title 16, or Title 16.5 of this article or regulations
19 adopted under these titles.

20 **(B) (1) THIS SUBSECTION APPLIES TO ELECTRONIC SMOKING DEVICES**
21 **RETAILER LICENSE APPLICANTS OR LICENSEES IN PRINCE GEORGE’S COUNTY.**

22 **(2) SUBJECT TO THE HEARING PROVISIONS OF § 16.7–208 OF THIS**
23 **SUBTITLE, THE EXECUTIVE DIRECTOR MAY DENY A LICENSE TO ANY APPLICANT,**
24 **REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR**
25 **LICENSEE:**

26 **(I) ACTS OR SEEKS TO ACT AS AN ELECTRONIC SMOKING**
27 **DEVICES RETAILER AT A LOCATION THAT IS WITHIN 1,500 FEET OF A PUBLIC OR**
28 **PRIVATE PRIMARY OR SECONDARY SCHOOL;**

29 **(II) ACTS OR SEEKS TO ACT AS AN ELECTRONIC SMOKING**
30 **DEVICES RETAILER OR A VAPE SHOP VENDOR AT A LOCATION IN A CENSUS TRACT**
31 **THAT HAS AN AVERAGE OF THREE OR MORE EXISTING LICENSED PREMISES WITH AN**
32 **ELECTRONIC SMOKING DEVICES RETAILER OR VAPE SHOP VENDOR LICENSE PER**

1 SQUARE MILE;

2 (III) IS DELINQUENT IN THE PAYMENT OF STATE TAXES; OR

3 (IV) DOES NOT MEET ANY OTHER REQUIREMENT ESTABLISHED
4 BY PRINCE GEORGE'S COUNTY FOR ELECTRONIC SMOKING DEVICES RETAILER OR
5 VAPE SHOP VENDOR LICENSE APPLICANTS OR LICENSEES.

6 [(b)] (C) Subject to the hearing provisions of § 16.7–208 of this subtitle, the
7 Executive Director shall deny a license to any applicant that has had a license revoked
8 under this section until:

9 (1) 1 year has passed since the license was revoked; and

10 (2) it satisfactorily appears to the Executive Director that the applicant
11 will comply with this title and any regulations adopted under this title.

12 [(c)] (D) Prior to the issuance or renewal of any license, the Executive Director
13 shall conduct an investigation with regard to:

14 (1) the applicant;

15 (2) the business to be operated; and

16 (3) the facts set forth in the application.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2022.