Bill No. Concerning: Health and Sanitation Electronic Cigarettes - Distribution Revised: 2/28/2020 Draft No. 2 Introduced: September 17, 2019 March 31, 2020 Enacted: April 3, 2020 Executive: Effective: July 3, 2020 Sunset Date: None 2020 Ch. 11 , Laws of Mont. Co.

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

- (1) prohibit an electronic smoking devices manufacturer from distributing electronic cigarettes to retail stores within a certain distance of certain schools; 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]] <u>Sections 24-9 and 24-15</u>

BoldfaceHeading or defined term.UnderliningAdded to existing law by original bill.[Single boldface brackets]Deleted from existing law by original bill.

<u>Double underlining</u> *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:

1	Sec.	1. [[Section]] <u>Sections 24-9 and</u> 24-15 [[is]] <u>are</u> amended as follows:
2	24-9. Smok	ing and using electronic cigarettes in public places.
3	(a)	Definitions. In this Article, the following words and phrases have the
4		meanings indicated:
5		* * *
6		Electronic cigarette means any product containing or delivering nicotine
7		or any other substance intended for human consumption that can be used
8		by a person to simulate smoking through inhalation of vapor or aerosol
9		from the product. [[The term]] <u>Electronic cigarette</u> includes any such
10		device, whether manufactured, distributed, marketed, or sold as an e-
11		cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other
12		product name or descriptor. Electronic cigarette includes any component,
13		part, or accessory of an electronic cigarette, whether or not sold
14		separately, that is used during the operation of the electronic cigarette, but
15		does not include any battery or battery charger that is sold separately.
16		* * *
17	24-15. Dist	ribution of electronic cigarettes near certain schools.
18	<u>(a)</u>	<u>Definition</u> . In this Section, the following words have the meanings
19		indicated:
20		<u>Distribute</u> means to:
21		(1) give away, sell, deliver, dispense, or issue;
22		(2) offer to give away, sell, deliver, dispense, or issue; or
23		(3) <u>cause or hire any person to give away, sell, deliver, dispense, or</u>
24		issue or offer to give away, sell, deliver, dispense, or issue.
25		Manufacturer means an electronic smoking devices manufacturer as
26		defined in Section 16.7-101 of the Business Regulations Article of the
27		Maryland Code.

31	[24-15] <u>24-</u>	<u>16</u> — 24-21. Reserved.
30		school in the County.
29		cigarette to any retail store within 0.5 miles of any middle school or high
28	<u>(b)</u>	<u>Unlawful distribution.</u> A manufacturer must not distribute any electronic

Approved:

Soule Kat	3/31/20	
Sidney Katz, President, County Council	Date	
Approved:		
Man Il	413/70	
Marc Elrich, County Executive	Date	
This is a correct copy of Council action.		
Selena Mendy Singleton, Esq., Clerk of the Council	4/6/20	
Selena Mendy Singleton, Esq., Clerk of the Council	Date	