

Bill No. 32-19
Concerning: Health and Sanitation –
Flavored Electronic Cigarettes
Revised: 9/25/2019 Draft No. 5
Introduced: October 1, 2019
Enacted: March 31, 2020
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Riemer and Alborno
Co-Sponsors: Councilmember Hucker, Council Vice President Katz,
Council President Navarro, and Councilmembers Jawando and Glass

AN ACT to:

- (1) prohibit an electronic smoking devices manufacturer from distributing flavored electronic cigarettes to certain retail stores in the County; 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 24-15

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 24-15 is amended as follows:**

2 [24-15] 24-16 — 24-21. Reserved.

3 **24-15. Distribution of flavored electronic cigarettes.**

4 (a) *Definition.* In this Section, the following words have the meanings
5 indicated:

6 *Characterizing flavor* means a distinguishing taste or aroma, other than
7 the taste or aroma of tobacco, imparted either before or during use of an
8 electronic cigarette or component part. *Characterizing flavor* includes
9 any taste or aroma relating to any fruit, mint, menthol, wintergreen,
10 chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb,
11 or spice. However, an electronic cigarette is not deemed to have a
12 characterizing flavor solely because of the use of additives or flavorings
13 or the provision of ingredient information.

14 *Constituent* means any ingredient, substance, chemical, or compound,
15 other than nicotine, tobacco, water, or reconstituted tobacco sheet, that is
16 added by the manufacturer to an electronic cigarette during the
17 processing, manufacture or packing of the electronic cigarette.

18 *Distribute* means to:

19 (1) give away, sell, deliver, dispense, or issue;

20 (2) offer to give away, sell, deliver, dispense, or issue; or

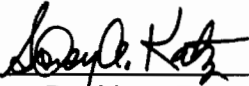
21 (3) cause or hire any person to give away, sell, deliver, dispense, or
22 issue or offer to give away, sell, deliver, dispense, or issue.

23 *Flavored electronic cigarette* means any electronic cigarette or any
24 component part thereof that contains a constituent that imparts a
25 characterizing flavor.

26 Manufacturer means an electronic smoking devices manufacturer as
27 defined in Section 16.7-101 of the Business Regulations Article of the
28 Maryland Code.

29 (b) Unlawful distribution. A manufacturer must not distribute any flavored
30 electronic cigarette to any retail store within [[1.0 mile]] 0.5 miles of any
31 elementary, middle, or high school, library, [[park, playground]], or
32 recreational facility in the County.

Approved:



3/31/20

Sidney Katz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq. Clerk of the Council

Date