

*Clerk's note: The section number for Section 24-15 was renumbered to Section 24-16 on lines 1 and 3. The first page and line 2 was amended accordingly*

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: April 3, 2020  
Effective: July 3, 2020  
Sunset Date: None  
Ch. 13, Laws of Mont. Co. 2020

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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**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]]~~ 24-16

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*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 ~~[[24-15]] 24-16~~ is amended as follows:**

2     ~~[[24-15]] ~~[[24-16]] 24-17~~ — 24-21. Reserved.~~

3     ~~[[24-15]] **24-16. 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.

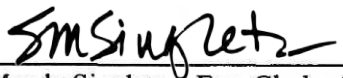
Approved:

  
\_\_\_\_\_  
Sidney Katz, President, County Council Date 3/31/20

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive Date 4/3/20

*This is a correct copy of Council action.*

  
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Selena Mendy Singleton, Esq. Clerk of the Council Date 4/6/20