

Bill No. 32-19  
Concerning: Health and Sanitation --  
Flavored Electronic Cigarettes  
Revised: 9/25/2019 Draft No. 4  
Introduced: October 1, 2019  
Expires: April 1, 2021  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Councilmembers Riemer and Alborno  
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

<b>Boldface</b>	<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.

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

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

*Approved:*

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Nancy Navarro, President, County Council

Date

*Approved:*

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Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

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Mary Anne Paradise, Acting Clerk of the Council

Date

Resolution No.: \_\_\_\_\_  
Introduced: October 1, 2019  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

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

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**SUBJECT:** Resolution to adopt Bill 32-19, Health and Sanitation – Flavored Electronic Cigarettes

**Background**

1. County Code §2-65, as amended, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202 authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On {DATE}, the Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
4. On {DATE}, the County Council enacted Bill 32-19, Health and Sanitation – Flavored Electronic Cigarettes. Bill 32-19 prohibited the distribution of flavored electronic cigarettes to retail stores in the County.
5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that prohibiting the distribution of flavored electronic cigarettes to retail stores as required by this Regulation is necessary to protect the health of County residents.

**Action**

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following resolution:

1. The provisions of Section 24-15 of the Montgomery County Code, entitled "Distribution of flavored electronic cigarettes." as added by Bill 32-19, Health and Sanitation – Flavored Electronic Cigarettes, are adopted as a Board of Health regulation. A copy of Bill 32-19 is attached to this resolution.
2. This resolution takes effect 90 days after adoption.

This is a correct copy of Council action.

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Mary Anne Paradise,  
Acting Clerk of the Council

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