

SENATE BILL 582

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By: **Senator Gile**

Introduced and read first time: January 25, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Cigarette, Other Tobacco Product, and Electronic**
3 **Smoking Device Retailers – Nicotine Replacement Therapy Products**
4 **(Making Quitting Convenient Act)**

5 FOR the purpose of requiring licensees that sell cigarettes, other tobacco products, or
6 electronic smoking devices at retail to keep in stock and offer for sale at retail at
7 least one kind of nicotine replacement therapy product and to post certain signs; and
8 generally relating to the retail sale of nicotine replacement therapy products.

9 BY repealing and reenacting, without amendments,

10 Article – Business Regulation

11 Section 16–201(a), (d), and (k), 16.5–101(a), (f), (j), and (l), and 16.7–101(a), (c), and
12 (e)

13 Annotated Code of Maryland

14 (2015 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Business Regulation

17 Section 16–209, 16.5–214.1, and 16.7–204.1

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2023 Supplement)

20 BY adding to

21 Article – Business Regulation

22 Section 16–209.1, 16.5–214.2, and 16.7–204.2

23 Annotated Code of Maryland

24 (2015 Replacement Volume and 2023 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Regulation

16–201.

(a) In this subtitle the following words have the meanings indicated.

(d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(k) “Retailer” means a person who:

(1) sells cigarettes to consumers through vending machines on fewer than 40 premises;

(2) otherwise sells cigarettes to consumers; or

(3) holds cigarettes for sale to consumers.

16–209.

(a) A licensee shall display a license in the way that the Executive Director requires by regulation.

(b) A licensee who sells cigarettes through a vending machine:

(1) shall place each package of cigarettes in the machine so that when the package is visible the tax stamps required by § 12–304 of the Tax – General Article are also visible; and

(2) in the way that the Executive Director requires by regulation, shall:

(i) identify each vending machine with a conspicuous label that states the licensee’s name, address, and telephone number; and

(ii) display on a conspicuous label applicable prohibitions and penalties under § 10–107 of the Criminal Law Article.

(c) (1) A licensee shall post [a sign] **THE FOLLOWING SIGNS** in [a location] **LOCATIONS** that [is] **ARE** clearly visible to the consumer that [states] **STATE, RESPECTIVELY:**

(I) “No person under the age of 21 may be sold tobacco products without military identification”;

(II) “NICOTINE REPLACEMENT THERAPY PRODUCTS ARE AVAILABLE FOR PURCHASE”; AND

1 (III) "THE MARYLAND TOBACCO QUITLINE,
2 1-800-QUIT-NOW (1-800-784-8669), PROVIDES FREE HELP IN QUITTING. FOR
3 MORE INFORMATION AND TO ENROLL IN THE PROGRAM VISIT
4 WWW.SMOKINGSTOPSHERE.COM".

5 (2) The [sign] SIGNS required under this subsection shall be written in
6 letters at least one-half inch high.

7 16-209.1.

8 (A) IN THIS SECTION, "NICOTINE REPLACEMENT THERAPY PRODUCT"
9 MEANS A DRUG, DEVICE, OR PRODUCT THAT IS APPROVED BY THE FEDERAL FOOD
10 AND DRUG ADMINISTRATION FOR THE SOLE PURPOSE OF AIDING IN THE CESSATION
11 OF TOBACCO USE OR SMOKING.

12 (B) SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, A LICENSEE
13 SHALL:

14 (1) KEEP IN STOCK AND OFFER FOR SALE AT LEAST ONE KIND OF
15 NICOTINE REPLACEMENT THERAPY PRODUCT; AND

16 (2) DISPLAY NICOTINE REPLACEMENT THERAPY PRODUCTS THAT
17 ARE OFFERED FOR SALE IN A LOCATION BEHIND THE SALES COUNTER.

18 (C) A LICENSEE MAY DETERMINE:

19 (1) THE KIND OF NICOTINE REPLACEMENT THERAPY PRODUCT THE
20 LICENSEE KEEPS IN STOCK AND OFFERS FOR SALE;

21 (2) THE QUANTITY OF EACH NICOTINE REPLACEMENT THERAPY
22 PRODUCT THE LICENSEE KEEPS IN STOCK AND OFFERS FOR SALE; AND

23 (3) WHETHER THE LICENSEE WILL KEEP IN STOCK AND OFFER FOR
24 SALE MORE THAN ONE KIND OF NICOTINE REPLACEMENT THERAPY PRODUCT.

25 (D) IF A LICENSEE FULLY DEPLETES THE STOCK OF NICOTINE
26 REPLACEMENT THERAPY PRODUCTS, THE LICENSEE SHALL:

27 (1) PLACE AN ORDER FOR NEW STOCK OF A NICOTINE REPLACEMENT
28 THERAPY PRODUCT WITHIN 5 BUSINESS DAYS; AND

29 (2) REFILL ITS STOCK AND OFFER FOR SALE A NICOTINE
30 REPLACEMENT THERAPY PRODUCT WITHIN 14 DAYS AFTER THE DATE OF THE LAST

1 **SALE OF A NICOTINE REPLACEMENT THERAPY PRODUCT.**

2 **(E) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO CARRY OUT**
3 **THIS SECTION.**

4 16.5–101.

5 (a) In this title the following words have the meanings indicated.

6 (f) “Licensed other tobacco products retailer” means a person licensed by the
7 clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer.

8 (j) (1) “Other tobacco products” means, except as provided in paragraph (3) of
9 this subsection, a product that is:

10 (i) intended for human consumption or likely to be consumed,
11 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested in any other
12 manner, and that is made of or derived from, or that contains:

13 1. tobacco; or

14 2. nicotine; or

15 (ii) a component or part used in a consumable product described
16 under item (i) of this paragraph.

17 (2) “Other tobacco products” includes:

18 (i) cigars, premium cigars, pipe tobacco, chewing tobacco, snuff, and
19 snus; and

20 (ii) filters, rolling papers, pipes, and hookahs.

21 (3) “Other tobacco products” does not include:

22 (i) cigarettes;

23 (ii) electronic smoking devices;

24 (iii) drugs, devices, or combination products authorized for sale by
25 the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act;
26 or

27 (iv) tobacco pipes, as defined under § 11–104 of the Tax – General
28 Article.

29 (l) “Other tobacco products retailer” means a person who:

1 (1) sells other tobacco products to consumers; or

2 (2) holds other tobacco products for sale to consumers.

3 16.5–214.1.

4 (a) A licensed other tobacco products retailer shall post [a sign] **THE FOLLOWING**
5 **SIGNS** in [a location] **LOCATIONS** that [is] **ARE** clearly visible to the consumer that
6 [states] **STATE, RESPECTIVELY:**

7 (1) “No person under the age of 21 may be sold tobacco products without
8 military identification”;

9 (2) “**NICOTINE REPLACEMENT THERAPY PRODUCTS ARE AVAILABLE**
10 **FOR PURCHASE**”; AND

11 (3) “**THE MARYLAND TOBACCO QUITLINE,**
12 **1-800-QUIT-NOW (1-800-784-8669), PROVIDES FREE HELP IN QUITTING. FOR**
13 **MORE INFORMATION AND TO ENROLL IN THE PROGRAM VISIT**
14 **WWW.SMOKINGSTOPSHERE.COM**”.

15 (b) The [sign] **SIGNS** required under this section shall be written in letters at
16 least one-half inch high.

17 16.5–214.2.

18 (A) **IN THIS SECTION, “NICOTINE REPLACEMENT THERAPY PRODUCT” HAS**
19 **THE MEANING STATED IN § 16–209.1 OF THIS ARTICLE.**

20 (B) **SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, A LICENSEE**
21 **SHALL:**

22 (1) **KEEP IN STOCK AND OFFER FOR SALE AT LEAST ONE KIND OF**
23 **NICOTINE REPLACEMENT THERAPY PRODUCT; AND**

24 (2) **DISPLAY NICOTINE REPLACEMENT THERAPY PRODUCTS THAT**
25 **ARE OFFERED FOR SALE IN A LOCATION BEHIND THE SALES COUNTER.**

26 (C) **A LICENSEE SHALL HAVE THE DISCRETION TO DETERMINE:**

27 (1) **THE KIND OF NICOTINE REPLACEMENT THERAPY PRODUCT THE**
28 **LICENSEE KEEPS IN STOCK AND OFFERS FOR SALE;**

1 **(2) THE QUANTITY OF EACH NICOTINE REPLACEMENT THERAPY**
2 **PRODUCT THE LICENSEE KEEPS IN STOCK AND OFFERS FOR SALE; AND**

3 **(3) WHETHER THE LICENSEE WILL KEEP IN STOCK AND OFFER FOR**
4 **SALE MORE THAN ONE KIND OF NICOTINE REPLACEMENT THERAPY PRODUCT.**

5 **(D) IF A LICENSEE FULLY DEPLETES THE STOCK OF NICOTINE**
6 **REPLACEMENT THERAPY PRODUCTS, THE LICENSEE SHALL:**

7 **(1) PLACE AN ORDER FOR NEW STOCK OF A NICOTINE REPLACEMENT**
8 **THERAPY PRODUCT WITHIN 5 BUSINESS DAYS; AND**

9 **(2) REFILL ITS STOCK AND OFFER FOR SALE A NICOTINE**
10 **REPLACEMENT THERAPY PRODUCT WITHIN 14 DAYS AFTER THE DATE OF THE LAST**
11 **SALE OF A NICOTINE REPLACEMENT THERAPY PRODUCT.**

12 **(E) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO CARRY OUT**
13 **THIS SECTION.**

14 16.7–101.

15 (a) In this title the following words have the meanings indicated.

16 (c) (1) “Electronic smoking device” means a device that can be used to deliver
17 aerosolized or vaporized nicotine to an individual inhaling from the device.

18 (2) “Electronic smoking device” includes:

19 (i) an electronic cigarette, an electronic cigar, an electronic cigarillo,
20 an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and

21 (ii) except as provided in paragraph (3) of this subsection, any
22 component, part, or accessory of such a device regardless of whether or not it is sold
23 separately, including any substance intended to be aerosolized or vaporized during use of
24 the device.

25 (3) “Electronic smoking device” does not include:

26 (i) a drug, device, or combination product authorized for sale by the
27 U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act; or

28 (ii) a battery or battery charger when sold separately.

29 (e) “Electronic smoking devices retailer” means a person that:

1 (1) sells electronic smoking devices to consumers;

2 (2) holds electronic smoking devices for sale to consumers; or

3 (3) unless otherwise prohibited or restricted under local law, this article,
4 the Criminal Law Article, or § 24–305 of the Health – General Article, distributes sample
5 electronic smoking devices to consumers in the State.

6 16.7–204.1.

7 (a) A retail licensee shall post [a sign] **THE FOLLOWING SIGNS** in [a location]
8 **LOCATIONS** that [is] **ARE** clearly visible to the consumer that [states] **STATE**,
9 **RESPECTIVELY**:

10 (1) “No person under the age of 21 may be sold tobacco products without
11 military identification”;

12 (2) “**NICOTINE REPLACEMENT THERAPY PRODUCTS ARE AVAILABLE**
13 **FOR PURCHASE**”; AND

14 (3) “**THE MARYLAND TOBACCO QUITLINE,**
15 **1–800–QUIT–NOW (1–800–784–8669), PROVIDES FREE HELP IN QUITTING. FOR**
16 **MORE INFORMATION AND TO ENROLL IN THE PROGRAM VISIT**
17 **WWW.SMOKINGSTOPSHERE.COM**”.

18 (b) The [sign] **SIGNS** required under this section shall be written in letters at
19 least one–half inch high.

20 16.7–204.2.

21 (A) **IN THIS SECTION, “NICOTINE REPLACEMENT THERAPY PRODUCT” HAS**
22 **THE MEANING STATED IN § 16–209.1 OF THIS ARTICLE.**

23 (B) **SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, A LICENSEE**
24 **SHALL:**

25 (1) **KEEP IN STOCK AND OFFER FOR SALE AT LEAST ONE KIND OF**
26 **NICOTINE REPLACEMENT THERAPY PRODUCT; AND**

27 (2) **DISPLAY NICOTINE REPLACEMENT THERAPY PRODUCTS THAT**
28 **ARE OFFERED FOR SALE IN A LOCATION BEHIND THE SALES COUNTER.**

29 (C) **A LICENSEE SHALL HAVE THE DISCRETION TO DETERMINE:**

1 **(1) THE KIND OF NICOTINE REPLACEMENT THERAPY PRODUCT THE**
2 **LICENSEE KEEPS IN STOCK AND OFFERS FOR SALE;**

3 **(2) THE QUANTITY OF EACH NICOTINE REPLACEMENT THERAPY**
4 **PRODUCT THE LICENSEE KEEPS IN STOCK AND OFFERS FOR SALE; AND**

5 **(3) WHETHER THE LICENSEE WILL KEEP IN STOCK AND OFFER FOR**
6 **SALE MORE THAN ONE KIND OF NICOTINE REPLACEMENT THERAPY PRODUCT.**

7 **(D) IF A LICENSEE FULLY DEPLETES THE STOCK OF NICOTINE**
8 **REPLACEMENT THERAPY PRODUCTS, THE LICENSEE SHALL:**

9 **(1) PLACE AN ORDER FOR NEW STOCK OF A NICOTINE REPLACEMENT**
10 **THERAPY PRODUCT WITHIN 5 BUSINESS DAYS; AND**

11 **(2) REFILL ITS STOCK AND OFFER FOR SALE A NICOTINE**
12 **REPLACEMENT THERAPY PRODUCT WITHIN 14 DAYS AFTER THE DATE OF THE LAST**
13 **SALE OF A NICOTINE REPLACEMENT THERAPY PRODUCT.**

14 **(E) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO CARRY OUT**
15 **THIS SECTION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.