
PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Albornoz
Councilmember Evan Glass
Councilmember Nancy Navarro
Councilmember Hans Riemer

The President in the Chair.

Mr. Katz announced that in accordance with Governor Hogan’s executive order, the entire Council, as well as participants, will be participating in the meeting remotely.

GENERAL BUSINESS

A. Announcements - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced that the Council will hold a public hearing on the FY21 Operating Budget on Tuesday, April 14, 2020, at 1:30 P.M.; an addendum to the agenda, adding for introduction Expedited Bill 17-20, Carryout Bag Tax Suspension; deleting public hearing/action on a special appropriation to the County Government’s FY20 Operating Budget, Department of Health and Human Services (DHHS) - $5,000,000 for Support for COVID-19 Response; deleting interviews of the County Executive’s appointees as Assistant Chief, Montgomery County Police Department: Dinesh Patil, Ronald Smith, and Willie Parker-Loan; adding introduction and action on a special appropriation to the County Government’s FY20 Operating Budget, $10,000,000 for COVID-19 Hospital Response Nondepartmental Account (NDA); and adding introduction and action on a special appropriation to the County Government’s FY20 Operating Budget, DHHS - $6,000,000 for support for COVID-19 Response.
(1) B. **Acknowledgement - Receipt of Petitions**

No petitions were received this week.

C. Approved the minutes of February 13, 24, 25, and March 6, 2020; and the closed session minutes of February 11, 13, and 25, 2020, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below. Mr. Riemer made the motion, which carried without objection.

A. **Introduced** a resolution to approve FY21 Transportation Fees, Charges, and Fares. A public hearing is scheduled for April 21, 2020, at 1:30 P.M.

B. **Introduced** a resolution to establish FY21 Solid Waste Service Charges. A public hearing is scheduled for April 21, 2020, at 1:30 P.M.

C. **Introduced** a resolution to establish FY21 Water Quality Protection Charge. A public hearing is scheduled for April 21, 2020, at 1:30 P.M.

D. **Introduced** a resolution to set amount of Property Tax Credit for Income Tax Offset. A public hearing is scheduled for April 21, 2020, at 1:30 P.M.

E. **Introduced** a resolution to approve Council contract for audit services. A public hearing is scheduled for April 14, 2020, at 1:30 P.M.

F. **Adopted Resolution 19-395**, authorizing the issuance of special obligation refunding bonds financed by Alcohol Beverages Services revenues.

G. **Adopted Resolution 19-396**, setting a public hearing on intent to consider increasing FY21 General Fund tax rate above the Constant Yield Tax Rate (CYTR). A public hearing is scheduled for April 21, 2020, at 1:30 P.M.

H. **Adopted Resolution 19-397**, approving a franchise agreement: Smart City Media, LLC (SCM).

I. **Adopted Resolution 19-398**, confirming the County Executive appointment to the Remembrance and Reconciliation Commission: Bishop Paul Walker.

J. **Adopted Resolution 19-399**, confirming the County Executive appointments to the Workforce Development Board: Raymond L. Crowel, Steven Greenfield, Derek Turner, Wyatt Genser, Yomi Ntewo, Roxana Mejia.


**DISTRICT COUNCIL SESSION**

(3) **Action** - Hearing Examiner’s report and recommendation - Local Map Amendment (LMA) H-131 Kingsview Station, A Joint Venture, for the six parcels located in the southeast quadrant of the intersection of Clopper Road (MD 117) and Germantown Road (MD 118)

Mr. Zyontz, Senior Legislative Analyst, and Ms. Robeson, Hearing Examiner, Office of Zoning and Administrative Appeals (OZAH), participated in the discussion.

Ms. Robeson presented her report and recommendation concerning the subject LMA.

Adopted **Resolution 19-402**, approving LMA H-131. Mr. Rice made the motion and the resolution was adopted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

**COUNTY COUNCIL**
**FOR MONTGOMERY COUNTY, MARYLAND**
**IN LEGISLATIVE SESSION - Day #11**

(4) **Call of Bills for Final Reading:**

B. **Bill 2-20**, Bicycles - Registration - Amendments

Enacted draft #2 of **Bill 2-20**, as introduced.

The Public Safety (PS) Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.
C. **Bill 29-19, Health and Sanitation - Electronic Cigarettes - Distribution**

Mr. Albornoz, Chair of the Health and Human Services (HHS) Committee, reviewed the Committee’s recommendations, as contained in the staff report.

Enacted draft #2 of **Bill 29-19**, as shown at the end of these minutes.

The HHS Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

D. **Bill 31-19, Health and Sanitation - Electronic Cigarettes - Distribution, Use, and Possession**

Mr. Albornoz reviewed the HHS Committee’s recommendations, as contained in the staff report.

Enacted draft #3 of **Bill 31-19**, as shown at the end of these minutes.

The HHS Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

E. **Bill 32-19, Health and Sanitation - Flavored Electronic Cigarettes**

Enacted draft #4 of **Bill 32-19**, as shown at the end of these minutes.

The HHS Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

(4.5) **Introduction of Bills:**

A. **Expedited Bill 17-20 – Carryout Bag Tax Suspension**

Introduced draft #1 of **Expedited Bill 17-20**, sponsored by Councilmembers Jawando, Rice, Albornoz, Katz, Riemer, and Navarro. A public hearing is tentatively scheduled for April 14, 2020, at 1:30 P.M.

Mr. Friedson requested to be added as a co-sponsor.
COUNCIL SITTING AS BOARD OF HEALTH

A. **Action** - Resolution to adopt **Bill 29-19**, Health and Sanitation - Electronic Cigarettes - Distribution as a Board of Health Regulation

   Adopted **Resolution 19-403**, approving **Bill 29-19** as a Board of Health Regulation.

   The HHS Committee made the motion, which carried without objection.

B. **Action** - Resolution to adopt **Bill 31-19**, Health and Sanitation - Electronic Cigarettes - Distribution, Use, and Possession as a Board of Health Regulation

   Adopted **Resolution 19-404**, approving **Bill 31-19** as a Board of Health Regulation.

   The HHS Committee made the motion, which carried without objection.

C. **Action** - Resolution to adopt **Bill 32-19**, Health and Sanitation - Flavored Electronic Cigarettes as a Board of Health Regulation

   Adopted **Resolution 19-405**, approving **Bill 32-19** as a Board of Health Regulation.

   The HHS Committee made the motion, which carried without objection.

DISTRICT COUNCIL SESSION *(continued)*

(6) **Action** - Zoning Text Amendment (ZTA) 19-06, Vape Shops

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, reviewed the Committee’s recommendation, as contained in the staff report.

Enacted **Ordinance 19-10**, approving ZTA 19-06.

The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

**YEAS**: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.
Action - Forest Glen/Montgomery Hills Sector Plan

Mr. Riemer and Senior Legislative Analyst Dunn reviewed the purpose of the Plan, which provides guidance for the master plan of the area.

Mr. Jawando commented on the Plan’s goals to maximize density and affordable housing on public-owned land; and on his amendment, beginning on line 363 of the resolution, to provide clarification that areas which have a great likelihood of redevelopment, as well as smaller properties, should strive to provide a minimum of 35 percent green cover.

Adopted Resolution 19-406, approving the Forest Glen/Montgomery Hills Sector Plan.

The PHED Committee made the motion and the resolution was adopted by a roll call vote:


Because it was ahead of schedule, the Council recessed at 10:27 A.M. and reconvened at 11:10 A.M.

COUNCIL SITTING AS BOARD OF HEALTH (continued)

UPDATE - Novel Coronavirus (COVID-19) and County Public Health Planning

Participating in the discussion were Dr. Gayles, County Health Officer and Chief, Public Health Services, DHHS; and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles gave an update on the most recent numbers from the State as well as internal information. There are currently 388 reported cases in Montgomery County, mostly in the 40-64 age range, and one fatality. Follow-up is being done with nursing homes to ensure they have the most up-to-date guidance on reducing transmission. The County has begun compiling its own data on age and gender and plans to expand analysis to show trends in geographic areas. Received an update on increased testing capacity and continued surge planning. Noted that Governor Hogan issued a shelter-in-place order yesterday for non-essential workers to cut down on transmission rates.
Dr. Stoddard reported on hospital capacity, increased resource procurement, Fire and Rescue mobile triage units, donations, and the increase of the Medical Reserve Corp to 1,700 volunteers.

Discussion followed on essential workers, including County employees; enforcement to prevent gatherings of ten or more, especially at parks; communication efforts at State and local levels, including ensuring non-English speakers are reached; and reopening of schools.

The meeting recessed at 12:09 P.M. and reconvened at 1:33 P.M.

(8) **PUBLIC HEARING -** Special appropriation to Montgomery County Public School’s (MCPS) FY20 Capital Budget and amendment to the FY19-24 CIP - $6,000,000 for Relocatable Classrooms

The public hearing was conducted. Additional material for the Council’s consideration should be submitted by the close of business on April 8, 2020.

(9) **PUBLIC HEARING -** Bill 10-20, Property Tax Credit - Energy and Environmental Design - Eligibility Criteria and Amounts of Credit

The public hearing was conducted. Additional material for the Council’s consideration should be submitted by the close of business on April 8, 2020.

(10) **PUBLIC HEARING/ACTION -** Special appropriation to County Government’s FY20 Operating Budget, DHHS, Support for COVID-19 Response - Feeding Our Families - $260,000 for Manna Food Center; and Amendment to Resolution 19-128, Section G, Non-Competitive Contract Award: Manna Food Center

The public hearing was held and the record closed.

Mr. Rice reviewed the purpose of the subject special appropriation, as contained in the staff report.

Adopted Resolution 19-407, approving the subject special appropriation.

Mr. Albornoz made the motion and the subject special appropriation was adopted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.
(11) **PUBLIC HEARING/ACTION** - Special appropriation to County Government’s FY20 Operating Budget, Conference and Visitors Bureau NDA, Support for COVID-19 Response - $250,000 for Hotel or Motel Rooms for Medical and Front-Line Staff; and Amendment to Resolution 19-128, Section G, Non-Competitive Contract Award: Conference and Visitors Bureau of Montgomery County, Maryland, Inc.

The public hearing was held and the record closed.

Mr. Riemer reviewed the purpose of the subject special appropriation, as contained in the staff report.

Adopted Resolution 19-408, approving the subject special appropriation.

Mr. Riemer made the motion and the subject special appropriation was adopted by a roll call vote:


(12) **PUBLIC HEARING/ACTION** - Special appropriation to County Government’s FY20 Operating Budget, Department of Finance, Economic Development Fund - $20,000,000 for Public Health Emergency Grant Program

The public hearing was held and the record closed.

Mr. Katz reviewed the purpose of the subject special appropriation, as contained in the staff report.

Adopted Resolution 19-409, approving the subject special appropriation.

Mr. Friedson made the motion and the subject special appropriation was adopted by a roll call vote:


(13) **PUBLIC HEARING/ACTION** - Special appropriation to County Government’s FY20 Operating Budget, Department of Health and Human Services - $5,000,000 for Support for COVID-19 Response (Source of Funds: General Fund Reserves)

The public hearing was deleted from agenda.
PUBLIC HEARING - Expedited Bill 16-20, Economic Development Fund - Public Health Emergency Grant Program - Established

The public hearing was conducted and the record closed. Action is scheduled for later today.

LEGISLATIVE SESSION Day #11

(4) Call of Bills for Final Reading *(continued)*

A. Expedited Bill 16-20, Economic Development Fund - Public Health Emergency Grant Program - Established

Mr. Friedson reviewed the purpose of the subject expedited bill, as contained in the staff report.

Councilmembers commented on the importance of Expedited Bill 16-20, the Covid-19 Economic Relief Act, in providing $20 million in funding for small businesses and non-profits impacted by the Novel Coronavirus pandemic.

Supported, Mr. Friedson’s motion to accept Inspector General Limarzi’s recommendation, as contained on page 3 of the staff report, to add a fraud reduction measure to ensure accountability and a warning to anyone considering taking advantage of these circumstances, which would amend lines 28-34 as follows:

(d) *Grant Agreement.* In order to receive financial assistance from the Fund under the Program, a local business must enter into a grant agreement with the County, which must include [[conditions related to]]:

(1) the County’s right to audit financial records of the grantee;
(2) the grantee’s reporting obligations to the Director; [[and]]
(3) the grantee’s obligation to remit to the County any unused or improperly used funds; and
(4) a certification by the applicant, under penalty of perjury, that the grant application and all documentation and statements in support of eligibility for funds are true and correct, and that the applicant understands that they may be prosecuted for any false statements made as part of the application.
Mr. Rice stated that he would be abstaining on all votes on ** Expedited Bill 16-20** based on the advice of legal counsel to prevent any potential conflict of interest.

The above amendment was approved by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Friedson, Hucker, Katz

**ABSTAIN:** Rice.

Supported, Mr. Friedson’s motion to accept the County Attorney’s Office’s recommendation, as contained on page 3-4 of the staff report, to include for clarification the entire definition in the Procurement Regulations, which would amend lines 11-12 as follows:

*Principal place of business in the County* [[has the meaning stated in regulations adopted under Section 11B-81]] means a regular course of business commerce in the County by a business, along with any of the following:

1. the business has its physical business location(s) only in the County; or
2. the business has physical business locations both in and outside of the County, and the County-based location(s) account for over 50% of the business’s total number of employees, or over 50% of the business’s gross sales.

The above amendment was approved by a roll call vote.

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Friedson, Hucker, Katz

**ABSTAIN:** Rice.

Mr. Hucker accepted Mr. Friedson’s motion to amend Hucker Amendment 1 (Guidelines), as contained on ©6 of the staff report, to amend lines 47-48 to read:

(f) **Guidelines for Grants.** A grant under paragraph (2) or (3):

[[((5))](1)]([[A grant under paragraph (2) or (3)]) must be calculated by reviewing documentation of lost revenue and may be used [[to]] for employee wages and benefits, taxes, debt, rent, or other operating losses[.]:
(2) must require the repayment of County grant funds used for any expenses that have been reimbursed by the Federal or State governments;

(3) must not reimburse a business for losses that are reimbursed through an insurance policy purchased by the business; and

(4) must not reimburse a business for wages paid to an employee for a time period the employee is eligible for unemployment insurance benefits.

Mr. Hucker accepted Mr. Friedson’s motion to amend Hucker Amendment 5 (Restaurant and Retail Industry), as contained on ©10 of the staff report, to add the following after line 18 to read:

Restaurant means any lunchroom, café, or other establishment located in a permanent building for the accommodation of the public, equipped with a kitchen containing facilities and utensils for preparing and serving meals to the public, and outfitted with a public dining area. A restaurant includes a business with a license to serve alcoholic beverages for consumption on its premises.

Retail storefront establishment means a business engaged in the retail sale of goods or services to the public from a physical location in the County. Retail establishment includes a convenience store, shop, hair salon, barber shop, food truck, or restaurant, and any other sales outlet where a customer can buy goods or services in person.

And, to add the following after line 48 to read:

(g) Restaurant and Retail Storefront Establishment. The Executive must reserve one-quarter of the funds appropriated for the public health emergency for local businesses that operate a restaurant or a retail storefront establishment.

Mr. Hucker accepted Ms. Navarro’s motion to amend Hucker Amendment 3 (Technical Assistance), as contained on ©8 of the staff report, to add an additional sentence at the end of the below section to read:
[(g)] (i) **Outreach.** The Executive must designate an employee to lead an effort to notify local businesses throughout the County about this Program and other available government programs that may help with an economic recovery. The outreach should emphasize businesses located in hard to reach communities and assist businesses on how to apply for a grant or loan. The Executive may issue an emergency contract to retain one or more vendors to assist businesses located in hard to reach communities to maximize the emergency grant funds these local businesses receive.

Enacted draft #7 of **Expedited Bill 16-20**, as amended, and shown at the end of these minutes.

Mr. Friedson made the motion and the bill, as amended, was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Friedson, Hucker, Katz

**ABSTAIN:** Rice.

(15) **INTERVIEWS** - County Executive’s appointees as Assistant Chief, Montgomery County Police Department: Dinesh Patil, Ronald Smith, and Willie Parker-Loan

Interviews have been postponed to April 14, 2020.

(16) **INTRODUCTION/ACTION** - Special Appropriation to the Fiscal Year 2020 Operating Budget Montgomery County Government COVID-19 Hospital Response Non-Departmental Account (NDA) $10,000,000

Mr. Albornoz reviewed the purpose of the subject special appropriation, as contained in the staff report.

Adopted **Resolution 19-410**, approving the subject special appropriation. Mr. Albornoz made the motion and the subject special appropriation was adopted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.
(17) **INTRODUCTION/ACTION** - Special appropriation to the County Government’s FY20 Operating Budget, Department of Health and Human Services (DHHS) - $6,000,000 for Support for COVID-19 Response

Mr. Albornoz reviewed the purpose of the subject special appropriation, as contained in the staff report.

Ms. McMillian, Senior Legislative Analyst, added a technical comment noting that the appropriation will go into the Human Services and Community Assistance NDA, making it easier for the department to track the funds.

Adopted **Resolution 19-411**, approving the subject special appropriation.

Mr. Albornoz made the motion and the subject special appropriation was adopted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

The meeting adjourned at 3:52 P.M.

This is a correct copy of Council action.

*Approved/Signed by Clerk of the Council*

___________________________________
Selena Mendy Singleton, Esq.
Clerk of the Council
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]] Sections 24-9 and 24-15

Boldface
Underlining
[Single boldface brackets]
Double underlining
[[Double boldface brackets]]
* * *

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. [[Section]] Sections 24-9 and 24-15 [[is]] are amended as follows:


(a) Definitions. In this Article, the following words and phrases have the meanings indicated:

Electronic cigarette means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. [[The term]] Electronic cigarette includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. Electronic cigarette includes any component, part, or accessory of an electronic cigarette, whether or not sold separately, that is used during the operation of the electronic cigarette, but does not include any battery or battery charger that is sold separately.


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

Distribute means to:

(1) give away, sell, deliver, dispense, or issue;
(2) offer to give away, sell, deliver, dispense, or issue; or
(3) cause or hire any person to give away, sell, deliver, dispense, or issue or offer to give away, sell, deliver, dispense, or issue.

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 electronic cigarette to any retail store within 0.5 miles of any middle school or high school in the County.

AN ACT to:

(1) prohibit the distribution of any tobacco product, coupon redeemable for a tobacco product, cigarette rolling paper, or electronic cigarette to any individual under 21 except under certain circumstances;

(2) prohibit an individual under 21 from using or possessing a tobacco product or electronic cigarette except under certain circumstances; and

(3) generally amend County law regarding smoking, electronic cigarettes, and health and sanitation.

By amending

Montgomery County Code
Chapter 24, Health and Sanitation
Sections 24-9, 24-11, and 24-13

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

**Boldface**
- Heading or defined term.

**Underlining**
- Added to existing law by original bill.

[Single boldface brackets]
- Deleted from existing law by original bill.

[Double underlining]
- Added by amendment.

[[Double boldface brackets]]
- Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.
Sec. 1. Sections 24-9, 24-11, and 24-13 are amended as follows:


(a) Definitions. In this Article, the following words and phrases have the meanings indicated:

Electronic cigarette means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Electronic cigarette includes any component, part, or accessory of an electronic cigarette, whether or not sold separately, that is used during the operation of the electronic cigarette, but does not include any battery or battery charger that is sold separately.


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

[(1) Tobacco product means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.]

[(2)] Distribute means to:

[(A)] (1) give away, sell, deliver, dispense, or issue;

[(B)] (2) offer to give away, sell, deliver, dispense, or issue; or

[(C)] (3) cause or hire any person to give away, sell, deliver, dispense, or issue or offer to give away, sell, deliver, dispense, or issue.

Electronic cigarette has the same meaning as in Section 24-9.

Tobacco product means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.

(b) Unlawful distribution.

(1) A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes must not:

(i) distribute any tobacco product, cigarette rolling paper, coupon redeemable for any tobacco product, or electronic cigarette to [a minor] an individual under 21 years old, unless:

(A) the [minor] individual is acting solely as the agent of the minor’s employer who is engaged in the business of distributing tobacco products; or

(B) the individual is:

(i) at least 18 years of age;

(ii) is an active duty member of the military; and
(iii) presents a valid military identification.

[(ii) distribute cigarette rolling papers to a minor; or

(iii) distribute to a minor a coupon redeemable for any tobacco product.]

(2) A person, who is not a person described under paragraph (b)(1), must not:

[(i)] buy for, or sell to, or deliver to a minor any tobacco product, cigarette rolling papers, or electronic cigarette; or,

unless the individual under 21 years old is:

(A) at least 18 years of age;

(B) is an active duty member of the military; and

(C) presents a valid military identification.

[(ii) deliver or sell to a minor cigarette rolling papers.]

(c) Subsection (b) does not apply to the distribution of a coupon which is redeemable for any tobacco product when the coupon is contained in a newspaper, a magazine, or any other type of publication in which the coupon is incidental to the primary purpose of the publication, or sent through the mail.

(d) A person has not violated this Section if:

(1) that person examined a driver’s license, military identification, or another valid identification issued by an employer, a government entity, or an institution of higher education; and

(2) that license or other identification positively identified the buyer or recipient of a tobacco product or electronic cigarette as at least 18 years old or is at least 18 years old and has a valid military identification.

(e) If a minor an individual under 21 years old bought a tobacco product or electronic cigarette from a vending machine, this Section does not apply to the owner of the vending machine or any other person with control over the vending machine.

(f) A person who violates this Section is liable for a civil violation. The maximum civil fine is $1000 for a first offense and $1000 for each subsequent offense.


(a) Prohibition. A person under 18 years old must not use or possess a tobacco product or an electronic cigarette unless that person is:

[(a)] (1) at least 18 years of age;

[(b)] (2) is an active duty member of the military; and

[(c)] (3) presents a valid military identification.

(b) Penalties. Notwithstanding Section 24-9(l), the monetary penalty for a violation of this Section is $0.00.
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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 24-15 is amended as follows:


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

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

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

Distribute means to:

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

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

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

Flavored electronic cigarette means any electronic cigarette or any component part thereof that contains a constituent that imparts a 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]] 0.5 miles of any elementary, middle, or high school, library, [[park, playground]], or recreational facility in the County.
AN EXPEDITED ACT to:

(1) establish a Public Health Emergency Grant Program;
(2) provide for the administration and eligibility criteria of the Program;
(3) authorize regulations to implement the program; and
(4) generally amend the law related to the Economic Development Fund.

By adding

Montgomery County Code
Chapter 20, Finance
Section 20-76F
Sec. 1. Section 20-76F is added as follows:

20-76F. Public Health Emergency Grant Program.

(a) Definitions. As used in this Section:

Director means the Director of the Department of Finance or the Director’s designee.

Fund means the Economic Development Fund established under Section 20-73.

Local business means a for-profit or non-profit entity that:

(1) has its principal place of business in the County; and
(2) employs 100 or less full-time-equivalent employees.

Principal place of business in the County [[has the meaning stated in regulations adopted under Section 11B-81]] means a regular course of business commerce in the County by a business, along with any of the following:

(1) the business has its physical business location(s) only in the County; or
(2) the business has physical business locations both in and outside of the County, and the County-based location(s) account for over 50% of the business’s total number of employees, or over 50% of the business’s gross sales.

Public health emergency means a situation caused by the spread of a communicable disease in the County that results in a Federal, State, or County state of emergency order restricting business operation in the County.

Program means the Public Health Emergency Grant Program established under this Section.

Restaurant means any lunchroom, café, or other establishment located in a permanent building for the accommodation of the public, equipped with a kitchen containing facilities and utensils for preparing and serving meals to the public, and outfitted with a public dining area. A restaurant includes a business with a license to serve alcoholic beverages for consumption on its premises.

Retail storefront establishment means a business engaged in the retail sale of goods or services to the public from a physical location in the County. Retail establishment includes a convenience store, shop, hair salon, barber shop, food truck, or restaurant, and any other sales outlet where a customer can buy goods or services in person.

(b) Establishment of Program. Subject to appropriation, the Director must create and administer a Public Health Emergency Grant Program to assist a local business that demonstrates significant financial loss caused directly or indirectly by a public health emergency.

(c) Eligibility. The Director, based upon information submitted by the applicant for assistance, must find that:

(1) the applicant owns a local business; and
(2) the local business has suffered significant financial losses caused directly or indirectly by a public health emergency.

(d) **Grant Agreement.** In order to receive financial assistance from the Fund under the Program, a local business must enter into a grant agreement with the County, which must include [[conditions related to]]:  
(1) the County’s right to audit financial records of the grantee;  
(2) the grantee’s reporting obligations to the Director; [[and]]  
(3) the grantee’s obligation to remit to the County any unused or improperly used funds; and  
(4) a certification by the applicant, under penalty of perjury, that the grant application and all documentation and statements in support of eligibility for funds are true and correct, and that the applicant understands that they may be prosecuted for any false statements made as part of the application.

(e) **Financial assistance.**  
(1) The Director may award a grant from the Fund to an eligible local business under paragraph (c).  
(2) The amount of a grant to a for-profit local business for financial losses during a public health emergency must not exceed $75,000.  
(3) The amount of a grant to a non-profit local business for a reduction in earned operational revenue during a public health emergency must not exceed $75,000.  
(4) The amount of a grant to a for-profit or a non-profit local business for the cost of purchasing technology equipment and software to facilitate employee teleworking during a public health emergency must not exceed $2,500.

(f) **Guidelines for Grants.** A grant under paragraph (2) or (3):  
[[(5)]  
(1) [[A grant under paragraph (2) or (3)]] must be calculated by reviewing documentation of lost revenue and may be used [[to]] for employee wages and benefits, taxes, debt, rent, or other operating losses[[]];  
(2) must require the repayment of County grant funds used for any expenses that have been reimbursed by the Federal or State governments;  
(3) must not reimburse a business for losses that are reimbursed through an insurance policy purchased by the business; and  
(4) must not reimburse a business for wages paid to an employee for a time period the employee is eligible for unemployment insurance benefits.

(g) **Restaurant and Retail Storefront Establishment.** The Executive must reserve one-quarter of the funds appropriated for the public health emergency for local businesses that operate a restaurant or a retail storefront establishment.
Regulations. The Executive may adopt Method 2 regulations to implement this Section. The regulations must specify the application procedures and eligibility criteria for a grant to a local business under the Program.

Outreach. The Executive must designate an employee to lead an effort to notify local businesses throughout the County about this Program and other available government programs that may help with an economic recovery. The outreach should emphasize businesses located in hard to reach communities and assist businesses on how to apply for a grant or loan. The Executive may issue an emergency contract to retain one or more vendors to assist businesses located in hard to reach communities to maximize the emergency grant funds these local businesses receive.

Reports. On or before March 31 of each year, the Executive must report to the Council on the activities of the Program. The report must include:

1. the number of local businesses participating in the Program;
2. the number and dollar amount of grants made; and
3. an evaluation of the impact of the Program on economic development within the County.

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.