



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, March 31, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:31 A.M. on Tuesday, March 31, 2020.

PRESENT

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

Councilmember Tom Hucker, Vice President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Craig Rice

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.

- K. Adopted **Resolution 19-400**, approving an amendment to Resolution 19-128, Approval and Appropriation for the FY20 Operating Budget of the Montgomery County Government, Budget Provision #6, Council Authorization for Non-Competitive Contract Award Status.
- L. Adopted **Resolution 19-401**, approving an amendment to Washington Suburban Sanitary Commission (WSSC) Water's FY20-25 Capital Improvements Program (CIP).

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.

(5) **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.

(6.5) **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:

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

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)*

(7) **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 shows 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:

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

- (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:

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

- (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.

(14) **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

Bill No. 29-19
 Concerning: Health and Sanitation –
 Electronic Cigarettes - Distribution
 Revised: 2/28/2020 Draft No. 2
 Introduced: September 17, 2019
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

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

AN ACT 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	<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:

Bill No. 31-19
 Concerning: Health and Sanitation –
 Electronic Cigarettes – Distribution,
 Use, and Possession
 Revised: 2/28/2020 Draft No. 3
 Introduced: September 24, 2019
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

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

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

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:

- 38 (iii) presents a valid military identification.
- 39 [(ii) distribute cigarette rolling papers to a minor; or
- 40 (iii) distribute to a minor a coupon redeemable for any tobacco product.]
- 41 (2) A person, who is not a person described under paragraph (b)(1), must not[:]
- 42 [(i) buy for, [or] sell to, or deliver to [a minor] an individual under 21 years
- 43 old any tobacco product, cigarette rolling papers, or electronic cigarette;
- 44 or], unless the individual under 21 years old is:
- 45 (A) at least 18 years of age;
- 46 (B) is an active duty member of the military; and
- 47 (C) presents a valid military identification.
- 48 [(ii) deliver or sell to a minor cigarette rolling papers.]
- 49 (c) Subsection (b) does not apply to the distribution of a coupon which is redeemable for any
- 50 tobacco product when the coupon is contained in a newspaper, a magazine, or any other
- 51 type of publication in which the coupon is incidental to the primary purpose of the
- 52 publication, or sent through the mail.
- 53 (d) A person has not violated this Section if:
- 54 (1) that person examined a driver's license, military identification, or another valid
- 55 identification issued by an employer, a government entity, or an institution of
- 56 higher education; and
- 57 (2) that license or other identification positively identified the buyer or recipient of a
- 58 tobacco product or electronic cigarette as at least [18] 21 years old or is at least
- 59 18 years old and has a valid military identification.
- 60 (e) If [a minor] an individual under 21 years old bought a tobacco product or electronic
- 61 cigarette from a vending machine, this Section does not apply to the owner of the
- 62 vending machine or any other person with control over the vending machine.
- 63 (f) A person who violates this Section is liable for a civil violation. The maximum civil fine is
- 64 \$1000 for a first offense and \$1000 for each subsequent offense.

65 **24-13. Use and possession of tobacco products or electronic cigarettes by [minors] certain**
 66 **persons prohibited.**

- 67 (a) Prohibition. A person under [18] 21 years old must not use or possess a tobacco product
- 68 or an electronic cigarette unless that person is:
- 69 ~~[(a)]~~ (1) at least 18 years of age;
- 70 ~~[(b)]~~ (2) is an active duty member of the military; and
- 71 ~~[(c)]~~ (3) presents a valid military identification.
- 72 (b) Penalties. Notwithstanding Section 24-9(l), the monetary penalty for a violation of this
- 73 Section is \$0.00.

Bill No. 32-19
 Concerning: Health and Sanitation –
Flavored Electronic Cigarettes
 Revised: 9/25/2019 Draft No. 5
 Introduced: October 1, 2019
 Enacted: _____
 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 indicated:

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

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

16 Distribute means to:

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

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

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

21 Flavored electronic cigarette means any electronic cigarette or any component part
22 thereof that contains a constituent that imparts a characterizing flavor.

23 Manufacturer means an electronic smoking devices manufacturer as defined in Section
24 16.7-101 of the Business Regulations Article of the Maryland Code.

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

Expedited Bill No. 16-20
 Concerning: Economic Development
Fund – Public Health Emergency
Grant Program – Established
 Revised: 3/31/2020 Draft No. 8
 Introduced: March 24, 2020
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

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

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 20-76F is added as follows:**

2 **20-76F. Public Health Emergency Grant Program.**

3 (a) Definitions. As used in this Section:

4 Director means the Director of the Department of Finance or the Director's designee.

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

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

7 (1) has its principal place of business in the County; and

8 (2) employs 100 or less full-time-equivalent employees.

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

12 (1) the business has its physical business location(s) only in the County; or

13 (2) the business has physical business locations both in and outside of the
14 County, and the County-based location(s) account for over 50% of the
15 business's total number of employees, or over 50% of the business's
16 gross sales.

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

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

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

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

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

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

37 (1) the applicant owns a local business; and

38 (2) the local business has suffered significant financial losses caused directly or
39 indirectly by a public health emergency.

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

- 43 (1) the County's right to audit financial records of the grantee;
- 44 (2) the grantee's reporting obligations to the Director; ~~[[and]]~~
- 45 (3) the grantee's obligation to remit to the County any unused or improperly used
46 funds; and
- 47 (4) a certification by the applicant, under penalty of perjury, that the grant application
48 and all documentation and statements in support of eligibility for funds are true
49 and correct, and that the applicant understands that they may be prosecuted for
50 any false statements made as part of the application.

51 (e) Financial assistance.

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

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

- 62 ~~[[5]]~~ (1) ~~[[A grant under paragraph (2) or (3)]] must be calculated by reviewing~~
63 ~~documentation of lost revenue and may be used ~~[[to]] for employee wages and~~~~
64 ~~benefits, taxes, debt, rent, or other operating losses~~[[.]]:~~~~
- 65 (2) must require the repayment of County grant funds used for any expenses that
66 have been reimbursed by the Federal or State governments;
- 67 (3) must not reimburse a business for losses that are reimbursed through an
68 insurance policy purchased by the business; and
- 69 (4) must not reimburse a business for wages paid to an employee for a time period
70 the employee is eligible for unemployment insurance benefits.

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

74 [(f)] (h) Regulations. The Executive may adopt Method 2 regulations to implement this
75 Section. The regulations must specify the application procedures and eligibility criteria
76 for a grant to a local business under the Program.

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

84 [(h)] (j) Reports. On or before March 31 of each year, the Executive must report to the
85 Council on the activities of the Program. The report must include:
86 (1) the number of local businesses participating in the Program;
87 (2) the number and dollar amount of grants made; and
88 (3) an evaluation of the impact of the Program on economic development within the
89 County.

90 **Sec. 2. Expedited Effective Date.**

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