



Montgomery
County Council

Committee: HHS
Committee Review: At a future date
Staff: Amanda Mihill, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #VapeFreeMontgomery

AGENDA ITEM #9
October 1, 2019
Introduction

SUBJECT

Bill 32-19, Health and Sanitation – Flavored Electronic Cigarettes
Resolution to adopt Bill 32-19 as a Board of Health Regulation

Lead Sponsors: Councilmembers Riemer and Albornoz
Co-Sponsor: Councilmember Hucker

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill and Resolution – no vote expected

DESCRIPTION/ISSUE

Bill 32-19 would prohibit an electronic smoking devices manufacturer from distributing flavored electronic cigarettes to certain retail stores in the County.

The resolution would adopt the bill as a Board of Health regulation.

SUMMARY OF KEY DISCUSSION POINTS

- None

This report contains:

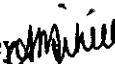
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MEMORANDUM

September 26, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney 

SUBJECT: Bill 32-19, Health and Sanitation – Flavored Electronic Cigarettes

PURPOSE: Introduction – no Council vote required

Bill 32-19, Health and Sanitation – Flavored Electronic Cigarettes and a Resolution to adopt Bill 29-19 as a Board of Health regulation are sponsored by Lead Sponsors Councilmembers Riemer and Alborno and Co-Sponsor Councilmember Huckler. The bill and Board of Health regulation is scheduled to be introduced on October 1, 2019. A public hearing is tentatively scheduled for November 5 at 7:30 p.m.

Bill 32-19 would prohibit an electronic smoking devices manufacturer from distributing flavored electronic cigarettes to stores within 1 mile of an elementary, middle, or high school. The Resolution would adopt the bill as a Board of Health regulation.¹ A memorandum from the sponsors is on ©7.

This packet contains:	<u>Circle #</u>
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¹#VapeFreeMontgomery

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

Lead Sponsors: Councilmembers Riemer and Albornoz
Co-Sponsor: Hucker

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
5 indicated:

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

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

18 *Distribute* means to:

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

23 *Flavored electronic cigarette* means any electronic cigarette or any
24 component part thereof that contains a constituent that imparts a
25 characterizing flavor.

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

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

33 *Approved:*

34

Nancy Navarro, President, County Council

Date

35 *Approved:*

36

Marc Elrich, County Executive

Date

37 *This is a correct copy of Council action.*

38

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**

Lead Sponsors: Councilmembers Riemer and Albornoz
Co-Sponsor Councilmember Hucker

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.

Mary Anne Paradise,
Acting Clerk of the Council

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LEGISLATIVE REQUEST REPORT

Bill 32-19

Health and Sanitation – Flavored Electronic Cigarettes

DESCRIPTION: Bill 32-19 would prohibit an electronic smoking devices manufacturer from distributing flavored electronic cigarettes to certain retail stores in the County.

PROBLEM: There is a rapid rise in e-cigarette use among youth and the associated health concerns.

GOALS AND OBJECTIVES: To reduce access to e-cigarette products for County youth.

COORDINATION: Health and Human Services

FISCAL IMPACT: To be requested

ECONOMIC IMPACT: To be requested

EVALUATION: To be researched

EXPERIENCE ELSEWHERE: To be researched

SOURCE OF INFORMATION: Amanda Mihill, Legislative Attorney (240) 777-7815

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class C violation



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

TO: Council Colleagues
FROM: Councilmembers Hans Riemer and Gabriel Albornoz
DATE: September 25, 2019
SUBJECT: Placing Severe Restrictions on Flavored Vape Products Aimed at Youth

Shortly we will be introducing an additional piece of legislation to add to the package of bills intended to curb the epidemic of vaping that is occurring in our schools. This bill will aim to severely restrict the availability of flavored vaping products, which are the most popular products among youth, by prohibiting manufacturers from distributing these products to retailers in Montgomery County.

Flavored electronic cigarettes have become very popular amongst our youth. According to preliminary results from the Centers for Disease Control and Prevention's annual National Youth Tobacco Survey more than a quarter of high school students admitted to using e-cigarettes, and the majority cited the fruit, menthol and minty flavors.

These products are not harmless. They lead teens to become addicted to nicotine and may be implicated in the mysterious lung illnesses and deaths that have been linked to vaping.

While this legislation will not prevent all legal sales of these products in the County, it will make them much less available to youth in our community.

I hope you will consider cosponsoring and supporting this legislation.