

Sec. 12.1401. - Definitions.

In this subtitle the following words have the meaning indicated:

- (a) Electronic smoking device.
 - (1) *Electronic smoking device* means a device that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device
 - (2) "Electronic smoking device" includes:
 - (i) An electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and
 - (ii) Any component, part, or accessory of such a device regardless of whether or not it is sold separately, including any substance intended to be aerosolized or vaporized during use of the device.
 - (3) "Electronic smoking device" does not include a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.
- (b) *Tobacco product* shall have the meaning set forth in subtitle 1 of title 10 of the Criminal Law Article of the Maryland Annotated Code and made illegal to distribute to an individual under the 21 years in subtitle 13 of this Title. As included in section 10-101 of the Criminal Law Article of the Annotated Code of Maryland, a tobacco product includes an electronic smoking device.
- (c) *Distribute* means to give, dispense, issue, deliver or offer to give dispense, deliver or issue; or to cause or hire any person to give, dispense, issue, deliver or offer to give, dispense, deliver or issue.

Sec. 12.1402. - Prohibited.

A person who distributes tobacco products for commercial purposes, including a person licensed under title 16 of the Business Regulation Article of the Maryland Annotated Code, may not distribute a tobacco product free of charge, to any consumer.

Sec. 12.1403. - Enforcement and penalties.

- (a) This subtitle shall be enforced by the Health Officer or Health Officer's designee.
- (b) A person who believes that a violation of this subtitle has occurred may file a complaint with the Health Officer.
- (c) A person who violates section 12.1402 of this subtitle is subject to a civil penalty under title 24 of this Code, as follows:

An initial violation is a Class C offense and a subsequent violation within one year is a Class B offense.

- (d) For the purpose of this section, a subsequent violation means a separate and distinct action at a different time and occasion.