

Article - Business Regulation

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§16.7–101.

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

(b) “County license” means a license issued by the clerk to sell electronic nicotine delivery systems to consumers in a county.

(c) (1) “Electronic nicotine delivery system” means an electronic device, a component for an electronic device, or a product used to refill or resupply an electronic device that can be used to deliver nicotine to an individual inhaling from the device.

(2) “Electronic nicotine delivery system” includes an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and vaping liquid.

(3) “Electronic nicotine delivery system” does not include:

(i) a nicotine device that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for that purpose;

(ii) cannabis oil or any other unlawful substance; or

(iii) an electronic device that is being used to deliver cannabis oil or another unlawful substance.

(d) “Electronic nicotine delivery systems manufacturer” means a person that:

(1) manufactures, mixes, or otherwise produces electronic nicotine delivery systems intended for sale in the State, including electronic nicotine delivery systems intended for sale in the United States through an importer; and

(2) (i) sells electronic nicotine delivery systems to a consumer, if the consumer purchases or orders the systems through the mail, a computer network, a telephonic network, or another electronic network, a licensed electronic nicotine delivery systems wholesaler distributor, or a licensed electronic nicotine delivery systems wholesaler importer in the State;

(ii) if the electronic nicotine delivery systems manufacturer also holds a license to act as an electronic nicotine delivery systems retailer or a vape shop vendor, sells electronic nicotine delivery systems to consumers located in the State; or

(iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample electronic nicotine delivery systems to a licensed electronic nicotine delivery systems retailer or vape shop vendor.

(e) “Electronic nicotine delivery systems retailer” means a person that:

(1) sells electronic nicotine delivery systems to consumers;

(2) holds electronic nicotine delivery systems for sale to consumers; or

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

(f) “Electronic nicotine delivery systems wholesaler distributor” means a person that:

(1) obtains at least 70% of its electronic nicotine delivery systems from a holder of an electronic nicotine delivery systems manufacturer license under this subtitle or a business entity located in the United States; and

(2) (i) holds electronic nicotine delivery systems for sale to another person for resale; or

(ii) sells electronic nicotine delivery systems to another person for resale.

(g) “Electronic nicotine delivery systems wholesaler importer” means a person that:

(1) obtains at least 70% of its electronic nicotine delivery systems from a business entity located in a foreign country; and

(2) (i) holds electronic nicotine delivery systems for sale to another person for resale; or

(ii) sells electronic nicotine delivery systems to another person for resale.

(h) “License” means:

(1) a license issued by the Comptroller under § 16.7–203(a) of this title to:

(i) act as a licensed electronic nicotine delivery systems manufacturer;

(ii) act as a licensed electronic nicotine delivery systems wholesaler distributor; or

(iii) act as a licensed electronic nicotine delivery systems wholesaler importer; or

(2) a license issued by the clerk under § 16.7–203(b) of this title to:

- (i) act as a licensed electronic nicotine delivery systems retailer; or
- (ii) act as a licensed vape shop vendor.

(i) “Sell” means to exchange or transfer, or to agree to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.

(j) “Vape shop vendor” means an electronic nicotine delivery systems business that derives at least 70% of its revenues, measured by average daily receipts, from the sale of electronic nicotine delivery systems and related accessories.

(k) “Vaping liquid” means a liquid that:

- (1) consists of propylene glycol, vegetable glycerin, or other similar substance;
- (2) may or may not contain natural or artificial flavors;
- (3) may or may not contain nicotine; and
- (4) converts to vapor intended for inhalation when heated in an electronic device.

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