MARYLAND GENERAL ASSEMBLY

2016 Tobacco Legislative Recap

Enacted Legislation

*House Bill 1069: Prince George's County - Alcoholic Beverages - Entertainment Concessionaire and Facility Licenses PG 311-16*

The bill primarily authorizes the Board of License Commissioners of Prince George's County to issue an entertainment concessionaire license to MGM National Harbor, but also originally included a provision allowing the sale, service, and use of cigars in specific lounges inside the casino. The “cigar bar” provision was removed from the final version of the bill, and smoking will not be permitted in the MGM National Harbor. *This Act was approved by Gov. Hogan and will take effect on July 1, 2016.*

*House Bill 1115: Montgomery County - Cigarette Retailers - County License Fee MC 12-16*

Increases the retailer cigarette license fee in Montgomery County from $25 to $125; the increase would be used to enforce laws prohibiting the sale or distribution of tobacco products to minors. *The bill has passed both houses and became law on May 28, 2016 after Gov. Hogan chose not to veto within 30 days of its passage. This Act will take effect on October 1, 2016.*

Failed Legislation

*Senate Bill 114: Health - Prohibition on Distribution of Tobacco Products and Electronic Smoking Devices to Minors - Civil Enforcement*

Prohibits the distribution of tobacco products, electronic smoking devices, cigarette rolling papers, or coupons redeemable for tobacco products to minors. Authorizes county health officers to issue citations for violations. A violation is subject to a civil penalty between $500 and $1,000. *This bill was withdrawn by the sponsor.*
**Senate Bill 204: Electronic Smoking Devices - E-Liquid Containers - Child-Resistant Packaging**
Prohibits a retailer from distributing e-liquid containers unless the container is in child-resistant packaging. Retailers in violation are subject to civil penalties of $300/1st violation; $1,000/2nd violation within 24 months; $3,000/subsequent violation within 24 months of previous. A sworn law enforcement officer, a county health officer, or a designee may issue civil citations. *This bill was withdrawn by the sponsor. However, Congress passed the Child Nicotine Poisoning Prevention Act, requiring child-resistant packaging for e-liquids.*

**Senate Bill 320/House Bill 139: Tobacco Tax - Premium Cigars – Rate**
 Decreases the tobacco tax rate on premium cigars from 15% to 7.5% for a period of 5 years. *Senate Bill 320 was heard but not voted on in the Senate Budget and Taxation Committee. House Bill 139 was heard but not voted on in the House Ways and Means Committee.*

**Senate Bill 514 / House Bill 71: Tobacco Taxes - Healthy Maryland Initiative**
Requires the Governor to include an additional $11,000,000 in annual appropriations for tobacco use prevention and cessation programs for fiscal year 2018 and each fiscal year thereafter. Furthermore, increases tobacco tax rates on cigarettes and other tobacco products. *Senate Bill 514 was heard but not voted on in the Senate Budget and Taxation Committee. House Bill 71 was heard but not voted on in the House Ways and Means Committee.*

**Senate Bill 1144 / House Bill 1618: Cigarette Restitution Fund - Establishment of Behavioral Health Treatment Account and Funding for Substance Use Treatment Services**
Requires the Cigarette Restitution Fund to include a separate account to be used for substance use treatment, with priority given to residential treatment services, recovery support housing, and specified crisis response services, with rate adjustments for programs serving individuals with mental disorders or substance-related disorders. The specified distributions from the account would supplement and not replace other funds. A maximum of $10,000,000 could be appropriated from the account in any fiscal year. *Senate Bill 1144 was heard but not voted on in the Senate Budget and Taxation Committee. House Bill 1618 was heard but not voted on in the House Health and Government Operations Committee.*

**House Bill 750: Public Schools - Electronic Smoking Devices - Policy and Disciplinary Standards**
Requires the State Department of Education to work with local school systems to develop a policy banning the possession and use of electronic cigarettes on school property, in school buses, and at school-sponsored events, effective April 2017. Furthermore, it requires county school boards to establish such policies. *This bill was withdrawn by the sponsor.*

**House Bill 775: Criminal Law - Tobacco Products - Minimum Age**
Increases the minimum age to purchase tobacco products from 18 to 21 years old. *This bill received an unfavorable report in the House Judiciary Committee (21-0).*

**House Bill 861: Electronic Smoking Devices - Regulation and Taxation**
Adds electronic smoking devices to the definition of "cigarette" in laws related to the collection of tobacco taxes, thereby changing the definitions relating to the sale, manufacturing, distribution, possession and use of tobacco cigarettes and electronic cigarettes. *This bill was withdrawn by the sponsor.*
House Bill 1431: Vehicle Laws - Prohibition against Smoking in Vehicle Containing Young Child
Prohibits the driver and all passengers from smoking tobacco products in a car containing a child under 8 years old. A violation would be punishable by a fine up to $50 and not a moving violation. Exempts mobile homes used as permanent or temporary living places. This bill received an unfavorable report in the House Environment and Transportation Committee.

House Bill 1485: Other Tobacco Products - Local Laws for Sale and Distribution - Intent of the General Assembly
Reverses the Maryland Court of Appeals decision in Altadis v. Prince George’s County (2013), clarifying that local governments may regulate the sale and distribution of tobacco products. This bill was heard in the House Economic Matters Committee but did not receive a vote.

House Bill 1504: Department of Health and Mental Hygiene - Distribution of Tobacco Products to Minors - Prohibition and Enforcement
Establishes civil penalties for the sale of tobacco products to youth to supplement and not replace existing criminal penalties. Requires the Department of Health and Mental Hygiene to develop strategies to reduce youth access and report to the General Assembly each year on findings and progress. This bill passed its third reading in the House, but not before the “opposite chamber bill crossover” date of March 21, 2016, and as a result did not receive a vote in the Senate.

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