



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 #16
October 1, 2019
Introduction

SUBJECT

Resolution to adopt Bill 31-19, Health and Sanitation – Electronic Cigarettes – Distribution, Use, and Possession as a Board of Health Regulation

Lead Sponsors: Councilmembers Hucker and Alborno

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

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce resolution – no vote expected

DESCRIPTION/ISSUE

The Council introduced Bill 31-19, Health and Sanitation – Electronic Cigarettes – Distribution, Use, and Possession, at its meeting on September 24. Bill 31-19 would 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. It would also prohibit an individual under 21 from using or possessing a tobacco product or electronic cigarette except under certain circumstances.

A Board of Health regulation is an important tool to ensure the provisions of Bill 31-19 are applicable in municipalities.

SUMMARY OF KEY DISCUSSION POINTS

- None

This report contains:

Staff Report

Resolution

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MEMORANDUM

September 26, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: Resolution to adopt Bill 31-19, Health and Sanitation – Electronic Cigarettes – Distribution, Use, and Possession as a Board of Health Regulation

PURPOSE: Introduction – no Council vote required

The Council introduced Bill 31-19, Health and Sanitation – Electronic Cigarettes – Distribution, Use, and Possession, at its meeting on September 24. Bill 31-19 would 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. It would also prohibit an individual under 21 from using or possessing a tobacco product or electronic cigarette except under certain circumstances. A public hearing on this Board of Health Regulation is scheduled for November 5 at 7:30 p.m.

This packet contains:
Regulation

Circle #
1

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

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

SUBJECT: Resolution to adopt Bill 31-19, Health and Sanitation – Electronic Cigarettes – Distribution, Use, and Possession as a Board of Health Regulation.

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 31-19, Health and Sanitation – Electronic Cigarettes – Distribution, Use, and Possession. Bill 31-19 prohibits the distribution of electronic cigarettes to individuals under 21 except under certain circumstances and prohibits individuals under 21 from using or possessing tobacco products or electronic cigarettes except under certain circumstances.
5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that prohibiting the distribution of electronic cigarettes to individuals under 21 except under certain circumstances and prohibiting individuals under 21 from using or possessing tobacco products or electronic cigarettes except under certain circumstances as specified 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 24-9, 24-11, and 24-13 of the Montgomery County Code, as amended by Bill 31-19, Health and Sanitation – Electronic Cigarettes – Distribution, Use, and Possession, are adopted as a Board of Health regulation. A copy of Bill 31-19 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