



LEGISLATIVE SUMMARY¹

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: July 20, 2020

Subject: Bill No. 63-20

Bill No. 63-20 prohibits a person from using an electronic smoking device in a restaurant. A restaurant is a commercial establishment for the sale of food for on-premises consumption, a definition that is also used in § 12-6-104 of the Code relating to emergency medical assistance. State law, § 16.7-101 of the Business Regulation Article, defines an electronic smoking device as follows:

(c) 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.

The Police Department is charged with enforcing the provisions of this bill. A violation is a Class E civil offense. Under § 9-2-101 (f)(5) of the Code, the fine is \$50 for the first violation, \$100 for the second violation, and \$500 for the third or any subsequent violation.

¹ This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.