

Bulletin



Comptroller of Maryland • Field Enforcement Division • Regulatory and Licensing Section

P.O. Box 2999 • Annapolis, Maryland 21404-2999

Telephone: 410-260-7314 • Fax: 410-974-3201

www.marylandtaxes.gov

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TO: All Retailers who sell Electronic Smoking Devices (ESDs) to consumers.

SUBJECT: Retailers manufacturing and selling so-called “housemade” e-liquids to consumers must complete [Form 723](#) (Electronic Smoking Devices Manufacturer, Distributor or Importer License Application) and become licensed by the Comptroller as ESD Manufacturers.

- On October 1, 2019, provisions of House Bill 1169 (HB1169) went into effect and updated Maryland law to increase the statewide sales age minimum to consumers who are 21 years or older for all tobacco products and Electronic Smoking Devices (ESD) unless the consumers present valid military identification. In addition to the provisions that increased the sales age for tobacco products and ESDs, HB1169 altered the definition of ESDs under Business Regulations §16.7-101 to include:
 - “(i)...vaping liquid; and...(ii) any component, part, or accessory of such a device...including any substance intended to be aerosolized or vaporized during use of the device.”
- This change to the ESD statutory definition means that any Electronic Smoking Device Retailer or Vape Shop Vendor who produces their own ‘e-liquid’ for sale with the intended purpose of being “aerosolized or vaporized” must have a license to operate as an Electronic Smoking Device Manufacturer.
- **If you produce “housemade” e-liquids for sale to consumers and do not already possess an Electronic Smoking Device Manufacturer’s license, you must immediately cease sales of these products. Should you wish to continue sales of “housemade” e-liquids, you must submit [Form 723](#) (Electronic Smoking Devices Manufacturer, Distributor or Importer License Application) to the Office of the Comptroller.**
- Under Business Regulations §16.7-211, individuals who operate without this license are guilty of a misdemeanor and subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both. Agents from the Comptroller’s Field Enforcement Division will begin conducting license checks to ensure compliance with the change in the law.
- Please contact the Regulatory and Licensing Section of the Comptroller of Maryland’s Field Enforcement Division at 410-260-7314 if you have any questions concerning license requirements in Maryland.

Jeffrey A. Kelly
Director, Field Enforcement Division