



**ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS)
RETAILER AND VAPE SHOP VENDOR LICENSES
(House Bill 523)
Effective October 1, 2017**

FREQUENTLY ASKED QUESTIONS

1. *Do I need a license to sell Electronic Nicotine Delivery Systems, IF I already have a license to sell Cigarettes and OTP products?*

No, you do not need to acquire an ENDS retailer license or a Vape Shop Vendor license if you already have a Cigarette or OTP retail license.

2. *What is an Electronic Nicotine Delivery System or “ENDS”?*

An electronic device, a component for an electronic device, or a product used to refill or resupply an electronic device than can be used to deliver nicotine and/or vaping liquid to an individual inhaling from the device.

3. *What is vaping liquid?*

Vaping liquid consists of propylene, propylene glycol, vegetable glycerin, or other similar substances;

- May or may not contain 27 different natural or artificial flavors
- May or may not contain nicotine; and
- Converts to vapor intended for inhalation when heated in an electronic device

4. *How do I know if I need a license to sell Electronic Nicotine Delivery Systems?*

If you do not have a Cigarette or OTP retail license and you sell an Electronic Nicotine Delivery System, a component for an electronic device, or a product used to refill or resupply an electronic device that can be used to deliver nicotine and/or vaping liquid to an individual inhaling from the device, then you are required to get a license.

5. *How many Electronic Nicotine Delivery System retailer licenses are there?*

Two, the ENDS retailer license and the Vape Shop Vendor license.

6. *How do I know if I am an ENDS retailer or a Vape Shop Vendor?*

You are an **ENDS Retailer** if you derive less than 70% of your revenues (measured by average daily receipts) from the sale of Electronic Nicotine Delivery Systems and related accessories.

You are a **Vape Shop Vendor** if you derive at least 70% of your revenues (measured by average daily receipts) from the sale of Electronic Nicotine Delivery Systems and related accessories.

7. *Who determines whether at least 70% of my revenues are from the sale of Electronic Nicotine Delivery Systems and related accessories?*

The applicant for the Vape Shop Vendor license must make that determination based on financial records, measured by average daily receipts. Your accountant could advise you. Once you obtain a Vape Shop Vendor license, the Comptroller may inspect your records to confirm the revenue percentage.

8. *Where do I apply for an ENDS retailer or Vape Shop Vendor license?*

You apply with the **Clerk of the Circuit Court** in the county where the business is located, to include Baltimore City.

9. *As a Vape Shop Vendor, where am I authorized to purchase ENDS products from?*

You may buy ENDS directly from a manufacturer, sell the ENDS products you manufacture yourself, or purchase ENDS products directly from an ENDS wholesaler distributor or wholesaler importer.

10. *What is the license fee for an ENDS retailer or Vape Shop Vendor license?*

The annual fee is \$25.00.

11. *If I am applying for an ENDS retailer or Vape Shop Vendor license, do I also need to apply for a Traders license?*

Yes, you are required by law to have a Traders license when buying or selling a tangible product from a permanent location.

12. *When does the annual license expire?*

The ENDS retailer and Vape Shop Vendor license expire on April 30th following the effective date.

13. If I acquire a new ENDS retailer license or Vape Shop Vendor license, can it be prorated?

No, the ENDS retailer license and Vape Shop Vendor license cannot be prorated.

14. Are Electronic Hookahs considered ENDS?

Yes, because a hookah can be defined as an Electronic Device that can be used to deliver nicotine to an individual inhaling from a device.

15. Can I sell ENDS products online, over the phone, or by mail?

Yes, a licensed ENDS retailer is authorized to ship, sell, or cause to be shipped to a consumer who purchases or orders an Electronic Nicotine Delivery System through the mail, a computer network, a telephonic network, or another electronic network.

16. Where can I get more information?

You can contact your local Circuit Court here: <http://www.mdcourts.gov/courtsdirectory/>

Or you may call the State License Bureau at 410-260-6240.

For information on becoming an ENDS manufacturer, wholesaler distributor/importer, Please call 410-260-7314.