

SENATE BILL 820

J1, A1

(6lr3047)

ENROLLED BILL

— Finance/Health and Judiciary —

Introduced by **Senator Hayes**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Alcohol, Tobacco, and Cannabis Commission – Unauthorized Consumable**
3 **Products – Enforcement and Seizure**

4 FOR the purpose of altering the violations of law with respect to which the Field
5 Enforcement Division of the Alcohol, Tobacco, and Cannabis Commission is
6 authorized to issue a citation or charging document; prohibiting a retailer from
7 distributing, selling, exposing for sale, or advertising for sale unauthorized
8 consumable products; authorizing the Executive Director of the Commission to seize,
9 confiscate, or destroy unauthorized consumable products and certain other products;
10 establishing and ~~repealing~~ altering certain provisions governing the enforcement of
11 certain prohibitions related to unauthorized consumable products; requiring the
12 Maryland Department of Health to report certain changes related to unauthorized
13 consumable products to the Alcohol, Tobacco, and Cannabis Commission within a
14 certain time; and generally relating to enforcement and seizure of unauthorized
15 consumable products by the Alcohol, Tobacco, and Cannabis Commission.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
2 Article – Alcoholic Beverages and Cannabis
3 Section 1–313, 6–101, and 6–207
4 Annotated Code of Maryland
5 (2024 Replacement Volume and 2025 Supplement)

6 BY adding to
7 Article – Alcoholic Beverages and Cannabis
8 Section 1–323
9 Annotated Code of Maryland
10 (2024 Replacement Volume and 2025 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 21–2E–02, 21–2E–03, 21–2F–02, and 21–2F–03
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2025 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Alcoholic Beverages and Cannabis**

19 1–313.

20 (a) There is a Field Enforcement Division in the Office of the Executive Director.

21 (b) (1) The Field Enforcement Division may employ officers and employees as
22 provided in the State budget.

23 (2) The officers and employees of the Field Enforcement Division:

24 (i) shall be sworn police officers;

25 (ii) shall have the powers, duties, and responsibilities of peace
26 officers to enforce the provisions of this article relating to:

27 1. the unlawful importation of alcoholic beverages, tobacco,
28 and cannabis into the State;

29 2. the unlawful manufacture of alcoholic beverages, tobacco,
30 and cannabis in the State;

31 3. the transportation and distribution throughout the State
32 of alcoholic beverages, tobacco, and cannabis that are manufactured illegally and on which

1 any alcoholic beverages taxes, tobacco taxes, or cannabis taxes imposed by the State are
2 due and unpaid; and

3 4. the manufacture, sale, barter, transportation,
4 distribution, or other form of owning, handling, or dispersing alcoholic beverages, tobacco,
5 or cannabis by any person not licensed or authorized under this article, provisions of the
6 Tax – General Article relating to alcoholic beverages, tobacco, or cannabis, or provisions of
7 the Business Regulation Article relating to alcoholic beverages, tobacco, or cannabis;

8 (iii) may issue a citation or other charging document to a person who
9 has committed a violation of [§ 10–108]:

10 1. SECTION 10–108 of the Criminal Law Article;

11 2. TITLE 21, SUBTITLE 2D OF THE HEALTH – GENERAL

12 ARTICLE;

13 3. TITLE 21, SUBTITLE 2E OF THE HEALTH – GENERAL

14 ARTICLE; AND

15 4. TITLE 21, SUBTITLE 2F OF THE HEALTH – GENERAL

16 ARTICLE; and

17 (iv) may make cooperative arrangements for and work and cooperate
18 with the Office of the Comptroller, local State’s Attorneys, sheriffs, bailiffs, police, and other
19 prosecuting and peace officers to enforce this article.

20 (c) The Field Enforcement Division:

21 (1) shall consult with and advise the local State’s Attorneys and other law
22 enforcement officials and police officers regarding enforcement problems in their respective
23 jurisdictions; and

24 (2) may recommend changes to improve the administration of this article,
25 provisions of the Tax – General Article relating to alcoholic beverages, tobacco, and
26 cannabis, and provisions of the Business Regulation Article relating to tobacco.

27 **1–323.**

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (2) “ADVERTISE” INCLUDES PACKAGING, LABELING, OR ELECTRONIC
31 COMMUNICATION.

1 **(3) (I) “RETAILER” MEANS A PERSON THAT:**

2 **1. SELLS, PREPARES, OR MAINTAINS UNAUTHORIZED**
3 **CONSUMABLE PRODUCTS; OR**

4 **2. ADVERTISES, REPRESENTS, OR HOLDS ITSELF OUT AS**
5 **SELLING, PREPARING, OR MAINTAINING UNAUTHORIZED CONSUMABLE PRODUCTS.**

6 **(II) “RETAILER” INCLUDES THE FOLLOWING PERSONS, IF THE**
7 **PERSON OTHERWISE MEETS THE DEFINITION ESTABLISHED UNDER SUBPARAGRAPH**
8 **(I) OF THIS PARAGRAPH:**

9 **1. A MANUFACTURER;**

10 **2. A WHOLESALER;**

11 **3. A STORE;**

12 **4. A RESTAURANT;**

13 **5. A HOTEL;**

14 **6. A CATERING FACILITY;**

15 **7. A CAMP;**

16 **8. A BAKERY;**

17 **9. A DELICATESSEN;**

18 **10. A SUPERMARKET;**

19 **11. A GROCERY STORE;**

20 **12. A CONVENIENCE STORE;**

21 **13. A GAS STATION;**

22 **14. A FOOD COMPANY; AND**

23 **15. A DRINK COMPANY.**

24 **(4) “UNAUTHORIZED CONSUMABLE PRODUCT” MEANS:**

1 (I) A TIANEPTINE PRODUCT AS DEFINED IN § 21-2D-01 OF THE
2 HEALTH – GENERAL ARTICLE;

3 (II) A KRATOM PRODUCT, AS DEFINED IN § 21-2E-01 OF THE
4 HEALTH – GENERAL ARTICLE ~~DESCRIBED IN § 21-2E-02(A)(2) OR § 21-2E-02(B)~~
5 ~~OF THE HEALTH – GENERAL ARTICLE THAT IS ADVERTISED, PROMOTED,~~
6 ~~PACKAGED, OR LABELED IN A MANNER PROHIBITED UNDER § 21-2E-03 OF THE~~
7 ~~HEALTH – GENERAL ARTICLE, THAT DOES NOT COMPLY WITH TITLE 21, SUBTITLE~~
8 2E OF THE HEALTH – GENERAL ARTICLE;

9 (III) A PHENIBUT PRODUCT, AS DEFINED IN § 21-2F-01 OF THE
10 HEALTH – GENERAL ARTICLE ~~THAT IS DESCRIBED IN § 21-2F-02(A)(2) OR §~~
11 ~~21-2F-02(B) OF THE HEALTH – GENERAL ARTICLE THAT IS ADVERTISED,~~
12 ~~PROMOTED, PACKAGED, OR LABELED IN A MANNER PROHIBITED UNDER § 21-2F-03~~
13 ~~OF THE HEALTH – GENERAL ARTICLE, THAT DOES NOT COMPLY WITH TITLE 21,~~
14 SUBTITLE 2F OF THE HEALTH – GENERAL ARTICLE; AND

15 (IV) A CONSUMABLE PRODUCT THAT CONTAINS A POISONOUS OR
16 DELETERIOUS SUBSTANCE IN VIOLATION OF A RULE OR REGULATION ADOPTED
17 UNDER § 21-239(C) OF THE HEALTH – GENERAL ARTICLE AND IS DESIGNATED BY
18 THE SECRETARY OF HEALTH FOR ENFORCEMENT BY THE EXECUTIVE DIRECTOR.

19 (B) A RETAILER MAY NOT DISTRIBUTE, SELL, EXPOSE FOR SALE, OR
20 ADVERTISE FOR SALE AN UNAUTHORIZED CONSUMABLE PRODUCT.

21 (C) THE EXECUTIVE DIRECTOR MAY SEIZE, CONFISCATE, OR DESTROY:

22 (1) AN UNAUTHORIZED CONSUMABLE PRODUCT THAT IS OFFERED,
23 ADVERTISED, OR DISPLAYED FOR SALE TO A CONSUMER IN THE STATE; ~~AND~~ ~~AND~~

24 (2) A PRODUCT THAT IS LABELED, ADVERTISED, REPRESENTED, OR
25 OFFERED FOR SALE AS CONTAINING:

26 (I) 7-HYDROXYMITRAGYNINE IN AN AMOUNT THAT:

27 1. FOR A KRATOM PRODUCT, IS GREATER THAN THE
28 AMOUNT PERMITTED UNDER § 21-2E-02(B)(1)(III) OF THE HEALTH – GENERAL
29 ARTICLE; OR

30 2. IS GREATER THAN 1 MILLIGRAM PER SERVING;

31 ~~(I) KRATOM;~~

1 ~~(II)~~ ~~7-HYDROXYMITRAGYNINE;~~

2 ~~(III)~~ ~~ANY PART OF THE PLANT MITRAGYNA SPECIOSA;~~

3 ~~(IV)~~ ~~(I)~~ ~~(II)~~ TIANEPTINE SODIUM;

4 ~~(V)~~ ~~(II)~~ ~~(III)~~ TIANEPTINE SULFATE; OR

5 ~~(VI)~~ ~~(III)~~ PHENIBUT; ~~OR~~

6 ~~(VII)~~ ~~(IV)~~ BETA-PHENYL-GAMMA-AMINO BUTYRIC ACID HCl₂

7 AND

8 ~~(3)~~ ~~A PRODUCT REPRESENTED TO CONTAIN KRATOM,~~
9 ~~7-HYDROXYMITRAGYNINE, OR ANY PART OF THE PLANT MITRAGYNA SPECIOSA~~
10 ~~THAT IS:~~

11 ~~(I)~~ ~~LABELED OR ADVERTISED IN VIOLATION OF § 21-2E-02 OR~~
12 ~~§ 21-2E-03 OF THE HEALTH - GENERAL ARTICLE; OR~~

13 ~~(II)~~ ~~LABELED, ADVERTISED, OR OTHERWISE REPRESENTED TO~~
14 ~~CONTAIN MORE THAN ONE MILLIGRAM PER SERVING OF 7-HYDROXYMITRAGYNINE.~~

15 (D) A PRODUCT SEIZED UNDER SUBSECTION (C) OF THIS SECTION IS
16 PRESUMED TO BE CONTRABAND AND SUBJECT TO SUMMARY FORFEITURE UNLESS
17 THE PERSON FROM WHOM THE PRODUCT WAS SEIZED DEMONSTRATES THE
18 PRODUCT ~~WAS APPROVED~~ IS:

19 (1) IF APPLICABLE, IN COMPLIANCE WITH TITLE 21, SUBTITLE 2E OF
20 THE HEALTH - GENERAL ARTICLE; OR

21 (2) AUTHORIZED FOR SALE AND DISTRIBUTION FOR THE PURPOSES
22 OF HUMAN CONSUMPTION BY:

23 ~~(1)~~ (I) THE MARYLAND DEPARTMENT OF HEALTH; OR

24 ~~(2)~~ (II) THE U.S. FOOD AND DRUG ADMINISTRATION.

25 (E) A RETAILER THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS
26 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
27 EXCEEDING \$5,000.

1 (F) IN ADDITION TO THE PENALTIES ESTABLISHED UNDER THIS SECTION:

2 (1) THE DISTRICT COURT MAY ORDER THE EXECUTIVE DIRECTOR,
3 THE COMPTROLLER, OR THE APPLICABLE LOCAL LICENSING BOARD OR
4 COMMISSION TO:

5 (I) SUSPEND OR REVOKE A LICENSE ISSUED UNDER THIS
6 ARTICLE OR TITLE 16, 16.5, 16.7, OR 17 OF THE BUSINESS REGULATION ARTICLE;
7 AND

8 (II) DISPOSE OF OR DESTROY AN UNAUTHORIZED CONSUMABLE
9 PRODUCT SEIZED UNDER SUBSECTION (C) OF THIS SECTION; AND

10 (2) A RETAILER THAT VIOLATES THIS SECTION IS LIABLE FOR CIVIL
11 DAMAGES SUSTAINED BY AN INDIVIDUAL THAT RESULT FROM THE VIOLATION.

12 6–101.

13 (a) Alcoholic beverages, UNAUTHORIZED CONSUMABLE PRODUCTS, AS
14 DEFINED UNDER § 1–323 OF THIS ARTICLE, and other contraband kept, possessed, used,
15 sold, manufactured, stored, or transported in violation of this article:

16 (1) are subject to seizure and forfeiture; and

17 (2) when seized, may be recovered or disposed of only as provided in this
18 subtitle.

19 (b) Property is forfeited if it:

20 (1) was seized as contraband in the possession or control of a defendant
21 who is found guilty of violating this article; [or]

22 (2) is otherwise found to be contraband or in violation of this article; OR

23 (3) WAS SEIZED IN ACCORDANCE WITH § 1–323 OF THIS ARTICLE.

24 (c) (1) Except as provided in paragraph (2) of this subsection, property is
25 forfeited if it:

26 (i) is seized as contraband and remains unclaimed for 30 days after
27 seizure; and

28 (ii) has not been destroyed in accordance with this subtitle.

1 (i) Does not comply with the disclosure requirement established
2 under paragraph (1) of this subsection; or

3 (ii) Has not been recognized as a dietary ingredient or approved drug
4 by the U.S. Food and Drug Administration.

5 (b) (1) Subject to paragraph (2) of this subsection, a retailer may not prepare,
6 distribute, sell, or expose for sale any of the following:

7 (i) A kratom product that is adulterated with a dangerous substance
8 other than kratom;

9 (ii) A kratom product that is contaminated with a dangerous
10 substance other than kratom;

11 (iii) A kratom product containing a level of 7-hydroxymitragynine in
12 the alkaloid fraction that is greater than 2% of the alkaloid composition of the product;

13 (iv) A kratom product containing a synthetic alkaloid, including
14 synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived
15 compound of the kratom plant; or

16 (v) A product containing kratom that does not include on its package
17 or label the amount of mitragynine and 7-hydroxymitragynine contained in the product.

18 (2) (i) For the purpose of paragraph (1)(i) of this subsection, a kratom
19 product is adulterated with a dangerous substance other than kratom if:

20 ~~1.~~ ~~The~~ THE:

21 1. The kratom product is mixed or packed with a substance
22 other than kratom; and

23 2. That substance affects the quality or strength of the
24 kratom product to a degree as to render the kratom product injurious to a consumer; and

25 ~~2.~~ ~~That substance affects the quality or strength of the~~
26 ~~kratom product to a degree as to render the kratom product injurious to a consumer.~~

27 (ii) For the purpose of paragraph (1)(ii) of this subsection, a kratom
28 product is contaminated with a dangerous substance other than kratom if the kratom
29 product contains a poisonous or otherwise deleterious ingredient other than kratom,
30 including a drug that is designated as a controlled dangerous substance under Title 5 of
31 the Criminal Law Article.

1 (c) A retailer may not distribute, sell, or expose for sale a kratom product to an
2 individual under the age of 21 years.

3 (d) ~~¶~~In a prosecution for a violation of this section, it is a **REBUTTABLE** defense
4 that the defendant relied in good faith on the representations ~~of a manufacturer, processor,~~
5 ~~packer, or distributor of~~ **ON THE MANUFACTURER'S LABEL ON** a kratom product.

6 (e) ~~¶~~ A retailer that violates subsection (a)(1) of this section is subject to a civil
7 penalty not exceeding:

8 (1) \$1,000 for a first violation; and

9 (2) \$2,000 for each subsequent violation.

10 ~~¶(f) (F)~~ A retailer that violates subsection (a)(2), (b), or (c) of this section is
11 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000,
12 imprisonment for not more than 90 days, or both.

13 ~~¶(g) (F)~~ In addition to any other penalties specified in this section, a retailer
14 who violates this section is liable for any civil damages sustained by the individual resulting
15 from the violation.

16 21-2E-03.

17 (a) A retailer may not directly or indirectly advertise a therapeutic benefit of
18 kratom.

19 (b) A retailer may not directly or indirectly advertise or market kratom products
20 to minors.

21 (c) It is a violation of subsection (b) of this section for a retailer to use any of the
22 following in the advertising, promotion, packaging, or labeling of a kratom product:

23 (1) A cartoon;

24 (2) A superhero;

25 (3) A video game reference;

26 (4) An image of a food product primarily intended for minors;

27 (5) A trademark that imitates or mimics the trademark of a product that
28 has been advertised or marketed primarily to minors;

29 (6) A symbol or celebrity that is primarily associated with minors or media
30 primarily directed to minors; [and]

1 (7) An image of an individual who appears to be under the age of 27 years;
2 **AND**

3 **(8) OTHER IMAGES, GRAPHICS, OR FEATURES OR LIKENESSES TO**
4 **IMAGES, GRAPHICS, OR FEATURES THAT ARE POPULARLY USED TO ADVERTISE TO**
5 **CHILDREN, INCLUDING:**

6 **(I) NEON COLORS, SIGNS, OR OTHER BRIGHTLY COLORED**
7 **DISPLAYS;**

8 **(II) ANIMALS;**

9 **(III) MASCOTS; OR**

10 **(IV) STATEMENTS, ARTWORK, OR DESIGNS THAT COULD**
11 **REASONABLY MISLEAD AN INDIVIDUAL TO BELIEVE THAT THE PACKAGE CONTAINS**
12 **ANYTHING OTHER THAN A KRATOM PRODUCT.**

13 (d) It is a violation of subsection (b) of this section for a retailer to advertise or
14 promote a kratom product:

15 (1) In a newspaper, a magazine, a periodical, or any other publication for
16 which individuals under the age of 21 years constitute 15% or more of the total audience,
17 as measured by competent and reliable survey evidence;

18 (2) At a concert, a stadium, a sporting event, or any other public event for
19 which individuals under the age of 21 years constitute 15% or more of the total audience,
20 as measured by competent and reliable survey evidence; or

21 (3) **[On an outdoor billboard or sign board that is within 500 feet of a**
22 **school] BY PLACING AN ADVERTISEMENT FOR KRATOM ON THE SIDE OF A BUILDING**
23 **OR ANOTHER PUBLICLY VISIBLE LOCATION OF ANY FORM, INCLUDING A SIGN, A**
24 **POSTER, A PLACARD, A DEVICE, A GRAPHIC DISPLAY, AN OUTDOOR BILLBOARD, OR**
25 **A FREESTANDING SIGNBOARD.**

26 **(E) A RETAILER THAT VIOLATES THIS SECTION IS GUILTY OF A**
27 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000,**
28 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.**

29 21-2F-02.

30 (a) (1) A retailer that prepares, distributes, sells, or exposes for sale a
31 phenibut product shall disclose on the product label the factual basis on which any
32 representations regarding the phenibut product are made.

1 (2) A retailer may not prepare, distribute, sell, or expose for sale a phenibut
2 product that:

3 (i) Does not comply with the disclosure requirement established
4 under paragraph (1) of this subsection; or

5 (ii) Has not been recognized as a dietary ingredient or approved drug
6 by the U.S. Food and Drug Administration.

7 (b) (1) Subject to paragraph (2) of this subsection, a retailer may not prepare,
8 distribute, sell, or expose for sale any of the following:

9 (i) A phenibut product that is adulterated with a dangerous
10 substance other than phenibut;

11 (ii) A phenibut product that is contaminated with a dangerous
12 substance other than phenibut; or

13 (iii) A product containing phenibut that does not include on its
14 package or label the amount of beta-phenyl-gamma-aminobutyric acid HCl contained in
15 the product.

16 (2) (i) For the purpose of paragraph (1)(i) of this subsection, a phenibut
17 product is adulterated with a dangerous substance other than phenibut if:

18 1. The phenibut product is mixed or packed with a substance
19 other than phenibut; and

20 2. That substance affects the quality or strength of the
21 phenibut product to a degree as to render the phenibut product injurious to a consumer.

22 (ii) For the purpose of paragraph (1)(ii) of this subsection, a phenibut
23 product is contaminated with a dangerous substance other than phenibut if the phenibut
24 product contains a poisonous or otherwise deleterious ingredient other than phenibut,
25 including a drug that is designated as a controlled dangerous substance under Title 5 of
26 the Criminal Law Article.

27 (c) A retailer may not distribute, sell, or expose for sale a phenibut product to an
28 individual under the age of 21 years.

29 (d) ¶In a prosecution for a violation of this section, it is a **REBUTTABLE** defense
30 that the defendant relied in good faith on the representations ~~of a manufacturer, processor,~~
31 ~~packer, or distributor of~~ **ON THE MANUFACTURER'S LABEL ON** a phenibut product.

1 ~~(e)~~ A retailer that violates subsection (a)(1) of this section is subject to a civil
2 penalty not exceeding:

3 (1) \$1,000 for a first violation; and

4 (2) \$2,000 for each subsequent violation.

5 ~~(f)~~ ~~(F)~~ A retailer that violates subsection (a)(2), (b), or (c) of this section is
6 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000,
7 imprisonment for not more than 90 days, or both.

8 ~~(g)~~ ~~(G)~~ In addition to any other penalties specified in this section, a retailer
9 who violates this section is liable for any civil damages sustained by the individual resulting
10 from the violation.

11 21-2F-03.

12 (a) A retailer may not directly or indirectly advertise a therapeutic benefit of
13 phenibut.

14 (b) A retailer may not directly or indirectly advertise or market phenibut products
15 to minors.

16 (c) It is a violation of subsection (b) of this section for a retailer to use any of the
17 following in the advertising, promotion, packaging, or labeling of a phenibut product:

18 (1) A cartoon;

19 (2) A superhero;

20 (3) A video game reference;

21 (4) An image of a food product primarily intended for minors;

22 (5) A trademark that imitates or mimics the trademark of a product that
23 has been advertised or marketed primarily to minors;

24 (6) A symbol or celebrity that is primarily associated with minors or media
25 primarily directed to minors; [and]

26 (7) An image of an individual who appears to be under the age of 27 years;

27 **AND**

28 **(8) OTHER IMAGES, GRAPHICS, OR FEATURES OR LIKENESSES TO**
29 **IMAGES, GRAPHICS, OR FEATURES THAT ARE POPULARLY USED TO ADVERTISE TO**
30 **CHILDREN, INCLUDING:**

1 (I) NEON COLORS, SIGNS, OR OTHER BRIGHTLY COLORED
2 DISPLAYS;

3 (II) ANIMALS;

4 (III) MASCOTS; OR

5 (IV) STATEMENTS, ARTWORK, OR DESIGNS THAT COULD
6 REASONABLY MISLEAD AN INDIVIDUAL TO BELIEVE THAT THE PACKAGE CONTAINS
7 ANYTHING OTHER THAN A PHENIBUT PRODUCT.

8 (d) It is a violation of subsection (b) of this section for a retailer to advertise or
9 promote a phenibut product:

10 (1) In a newspaper, a magazine, a periodical, or any other publication for
11 which individuals under the age of 21 years constitute 15% or more of the total audience,
12 as measured by competent and reliable survey evidence;

13 (2) At a concert, a stadium, a sporting event, or any other public event for
14 which individuals under the age of 21 years constitute 15% or more of the total audience,
15 as measured by competent and reliable survey evidence; or

16 (3) [On an outdoor billboard or sign board that is within 500 feet of a
17 school] **BY PLACING AN ADVERTISEMENT FOR ~~KRATOM~~ PHENIBUT ON THE SIDE OF A
18 BUILDING OR ANOTHER PUBLICLY VISIBLE LOCATION OF ANY FORM, INCLUDING A
19 SIGN, A POSTER, A PLACARD, A DEVICE, A GRAPHIC DISPLAY, AN OUTDOOR
20 BILLBOARD, OR A FREESTANDING SIGNBOARD.**

21 (E) A RETAILER THAT VIOLATES THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000,
23 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of
25 Health shall notify the Alcohol, Tobacco, and Cannabis Commission within 30 days after a
26 change is made in the regulatory or approval status of kratom products, tianeptine
27 products, phenibut products, or any other product designated by the Secretary of Health as
28 an unauthorized consumable product for enforcement by the Executive Director of the
29 Alcohol, Tobacco, and Cannabis Commission.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2026.