

HOUSE BILL 1159

C2

(4lr2370)

ENROLLED BILL

— *Economic Matters/Finance* —

Introduced by ~~Delegates Vitale, Eckardt, Haddaway-Riccio, Hogan, and O'Donnell~~ O'Donnell, Aumann, Barkley, Braveboy, Burns, Clagett, Davis, Glenn, Hucker, Impallaria, Jameson, Love, McHale, Minnick, W. Miller, Mitchell, Olszewski, Rudolph, Schuh, Schulz, Stifler, and Vaughn

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Cigarettes – County Retail License Holder – Prohibited Sales**

3 FOR the purpose of prohibiting a person who holds a certain county license to sell
4 cigarettes at retail from selling certain herbal incense or potpourri that includes
5 a noncontrolled substance with a chemical structure that is substantially
6 similar to the chemical structure of a controlled dangerous substance;
7 authorizing the Comptroller to take certain disciplinary actions against certain
8 license holders for a violation of this Act; establishing certain criminal penalties
9 for a violation of this Act; authorizing certain employees of the Field
10 Enforcement Bureau Division of the Comptroller's Office to enforce certain

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 provisions of this Act; and generally relating to prohibited sales by county retail
2 cigarette license holders.

3 BY repealing and reenacting, with amendments,
4 Article – Business Regulation
5 Section 16–306 and 16–309
6 Annotated Code of Maryland
7 (2010 Replacement Volume and 2013 Supplement)

8 BY adding to
9 Article – Business Regulation
10 Section 16–308.1
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2013 Supplement)

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

15 **Article – Business Regulation**

16 16–306.

17 Subject to the hearing provisions of § 16–307 of this subtitle, the Comptroller
18 may deny a county license to an applicant, reprimand a county licensee, or suspend or
19 revoke a county license if the applicant or licensee:

20 (1) fraudulently or deceptively obtains or attempts to obtain a license
21 for the applicant or licensee or for another person;

22 (2) fraudulently or deceptively uses a license; [or]

23 **(3) VIOLATES § 16–308.1 OF THIS SUBTITLE; OR**

24 **[(3)] (4)** fails to comply with the Maryland Cigarette Sales Below
25 Cost Act and regulations adopted under it.

26 **16–308.1.**

27 **(A) A PERSON WHO HOLDS A COUNTY LICENSE MAY NOT SELL HERBAL**
28 **INCENSE OR POTPOURRI THAT INCLUDES A NONCONTROLLED SUBSTANCE WITH**
29 **A CHEMICAL STRUCTURE THAT IS SUBSTANTIALLY SIMILAR TO THE CHEMICAL**
30 **STRUCTURE OF A CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101**
31 **OF THE CRIMINAL LAW ARTICLE.**

1 **(B) AUTHORIZED EMPLOYEES OF THE FIELD ENFORCEMENT BUREAU**
 2 **DIVISION OF THE COMPTROLLER'S OFFICE MAY ENFORCE THE PROVISIONS OF**
 3 **SUBSECTION (A) OF THIS SECTION.**

4 16-309.

5 **(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
 6 **person who violates this subtitle is guilty of a misdemeanor and, on conviction, is**
 7 **subject to a fine of \$100.**

8 **(B) A PERSON WHO VIOLATES § 16-308.1 OF THIS SUBTITLE IS GUILTY**
 9 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
 10 **EXCEEDING:**

11 **(1) EXCEPT AS PROVIDED IN ITEMS (2) AND (3) OF THIS**
 12 **SUBSECTION, \$300;**

13 **(2) FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS**
 14 **AFTER THE FIRST VIOLATION, \$1,000; AND**

15 **(3) FOR A THIRD OR SUBSEQUENT VIOLATION OCCURRING**
 16 **WITHIN 2 YEARS AFTER THE PRECEDING VIOLATION, \$3,000.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.