

Chapter 447

(House Bill 1159)

AN ACT concerning

Cigarettes – County Retail License Holder – Prohibited Sales

FOR the purpose of prohibiting a person who holds a certain county license to sell cigarettes at retail from selling certain herbal incense or potpourri that includes a noncontrolled substance with a chemical structure that is substantially similar to the chemical structure of a controlled dangerous substance; authorizing the Comptroller to take certain disciplinary actions against certain license holders for a violation of this Act; establishing certain criminal penalties for a violation of this Act; authorizing certain employees of the Field Enforcement ~~Bureau~~ Division of the Comptroller's Office to enforce certain provisions of this Act; and generally relating to prohibited sales by county retail cigarette license holders.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–306 and 16–309

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Business Regulation

Section 16–308.1

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

Article – Business Regulation

16–306.

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

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

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

(3) VIOLATES § 16-308.1 OF THIS SUBTITLE; OR

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

16-308.1.

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

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

16-309.

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

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

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

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

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

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

Approved by the Governor, May 5, 2014.