

## Article - Business Regulation

[Previous][Next]

§16-507.

(a) (1) In addition to or instead of any other civil or criminal remedy provided by law, on a determination that a licensed wholesaler has violated § 16-504(c) or § 16-506(a) of this subtitle or any regulation adopted under this subtitle, the Comptroller may revoke or suspend the license of any licensed wholesaler in the manner provided under §§ 16-211 and 16-212 of this title.

(2) Each stamp affixed and each offer to sell cigarettes in violation of § 16-504(c) of this subtitle shall constitute a separate violation.

(3) The Comptroller may also impose a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes sold or \$5,000 on a determination of violation of § 16-504(c) of this subtitle or any regulations adopted under that section.

(b) (1) Any cigarettes that have been sold, offered for sale or possessed for sale in this State, or imported for personal consumption in this State in violation of § 16-504(c) of this subtitle shall be deemed contraband under §§ 13-836, 13-837, and 13-839 of the Tax - General Article, and those cigarettes shall be subject to seizure and forfeiture as provided in those sections.

(2) All cigarettes seized and forfeited may not be resold and shall be destroyed.

(c) (1) The Attorney General, on behalf of the Comptroller, may seek an injunction to restrain a threatened or actual violation of § 16-504(c), § 16-506(a) or § 16-506(d) of this subtitle by a licensed wholesaler and compel the licensed wholesaler to comply with those sections.

(2) In any action brought under this section, the State shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney's fees.

(d) A person who sells, distributes, acquires, holds, owns, possesses, transports, imports, or causes to be imported, cigarettes that the person knows or should know are intended for distribution or sale in the State in violation of § 16-504(c) of this subtitle is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

[Previous][Next]