

## Article - Alcoholic Beverages

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§12-102.

(a) In order to eliminate the undue stimulation of the sale of alcoholic beverages and the practice of manufacturers and wholesalers in granting secret discounts, rebates, allowances, free goods or other inducement to selected licensees which contribute to a disorderly distribution of alcoholic beverages, it shall be unlawful for any person licensed hereunder as a manufacturer, wholesaler, resident dealer, or nonresident winery permit holder to discriminate directly or indirectly in price, discounts or the quality of merchandise sold, between one dispensary and another dispensary, between one wholesaler and another wholesaler or between one retailer and another retailer purchasing alcoholic beverages bearing the same brand and trade name and of like age and quality. It shall be unlawful for any nonresident dealer, resident dealer, nonresident winery permit holder, or nonresident unlicensed manufacturer to use or promote the use of any such practices for the sale or distribution of alcoholic beverages to or through the manufacturers, wholesalers or county dispensaries in this State. This section shall not restrict a manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder from limiting the quantity of alcoholic beverages to be sold to any licensee under a voluntary or compulsory plan of ration and the word "purchase" shall not imply that a manufacturer, wholesaler, nonresident dealer, resident dealer, or nonresident winery permit holder shall be required to sell to all licensees from whom they receive orders. The Comptroller may promulgate such rules and regulations as are necessary to carry out the purpose of this section.

(b) A supplier, nonresident dealer, resident dealer, nonresident winery permit holder, or wholesaler may not make a discount, rebate, or depletion allowance that is offered on a product dependent on the pricing policy or practice of the licensee who is invoiced for the product.

(c) (1) This subsection applies only to those counties whose liquor control boards establish and maintain county liquor dispensaries in accordance with § 15-203 of this article.

(2) Notwithstanding any other provision of this section, a supplier may enter into an agreement with a wholesaler or authorized representative to replace, directly or indirectly, stale or out-of-date malt beverage products on retail licensed premises:

(i) On a case for case basis;

(ii) At the supplier's expense; and

(iii) Under a plan submitted to and approved by the State Comptroller.

(3) If a wholesaler refuses to replace stale or out-of-date malt beverage products on retail licensed premises, the supplier may unilaterally submit a replacement plan to the State Comptroller for approval.

(4) Notwithstanding any other provision of this article, the replacement plan that the supplier unilaterally submits to the State Comptroller may include the designation of an authorized representative or wholesaler outside the territory of the wholesaler who refuses to participate in a plan to replace stale or out-of-date malt beverage products.

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