

# HOUSE BILL 1115

L2, C2

6lr0659

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By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Cigarette Retailers – County License Fee**

3 **MC 12–16**

4 FOR the purpose of increasing the fee for a county license to sell cigarettes at retail in  
5 Montgomery County; requiring the Clerk of the Circuit Court for Montgomery  
6 County to distribute a certain amount of each license fee to the Comptroller and to  
7 distribute to Montgomery County a certain amount of each license fee to be used for  
8 a certain purpose; and generally relating to cigarette retailer licenses in Montgomery  
9 County.

10 BY repealing and reenacting, without amendments,  
11 Article – Business Regulation  
12 Section 16–101 and 16–301  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Business Regulation  
17 Section 16–302  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2015 Supplement)

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

22 **Article – Business Regulation**

23 16–101.

24 (a) In this title the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Cigarette" means any size or shaped roll for smoking that is made of tobacco  
2 or tobacco mixed with another ingredient and wrapped in paper or in any other material  
3 except tobacco.

4 (c) "County license" means a license issued by the clerk to sell cigarettes at retail  
5 in a county.

6 (d) "Sell" means to exchange or transfer, or to agree to exchange or transfer, title  
7 or possession of property, in any manner or by any means, for consideration.

8 (e) (1) "Sell cigarettes at retail" means to sell cigarettes to a consumer.

9 (2) "Sell cigarettes at retail" includes selling cigarettes through a vending  
10 machine.

11 16-301.

12 Whenever a person sells cigarettes at retail in a county, the person must have a  
13 county license for:

14 (1) each place of business; and

15 (2) each vending machine, if the applicant sells cigarettes through a  
16 vending machine.

17 16-302.

18 (A) For each county license, an applicant shall:

19 (1) submit an application to the clerk; and

20 (2) pay to the clerk a license fee of:

21 (i) \$25 in a county other than Cecil County **OR MONTGOMERY**  
22 **COUNTY; [or]**

23 (ii) \$50 in Cecil County; **OR**

24 (iii) **\$125 IN MONTGOMERY COUNTY.**

25 (B) **FROM EACH LICENSE FEE COLLECTED UNDER SUBSECTION (A) OF THIS**  
26 **SECTION, THE CLERK OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY SHALL**  
27 **DISTRIBUTE:**

28 (1) **\$25 TO THE COMPTROLLER; AND**

1                   **(2) \$100 TO MONTGOMERY COUNTY TO BE USED TO ENFORCE**  
2 **EXISTING LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO OR TOBACCO**  
3 **PRODUCTS TO MINORS.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2016.