

Chapter 732

(House Bill 1115)

AN ACT concerning

Montgomery County – Cigarette Retailers – County License Fee

MC 12-16

FOR the purpose of increasing the fee for a county license to sell cigarettes at retail in Montgomery County; requiring the Clerk of the Circuit Court for Montgomery County to distribute a certain amount of each license fee to the Comptroller and to distribute to Montgomery County a certain amount of each license fee to be used for a certain purpose; prohibiting the use of certain funds to supplant certain existing funding for a certain purpose; and generally relating to cigarette retailer licenses in Montgomery County.

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

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

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

Article – Business Regulation

16-101.

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

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

(c) “County license” means a license issued by the clerk to sell cigarettes at retail in a county.

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

(e) (1) “Sell cigarettes at retail” means to sell cigarettes to a consumer.

(2) “Sell cigarettes at retail” includes selling cigarettes through a vending machine.

16–301.

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

(1) each place of business; and

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

16–302.

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

(1) submit an application to the clerk; and

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

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

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

(III) \$125 IN MONTGOMERY COUNTY.

(B) **(1) FROM EACH LICENSE FEE COLLECTED UNDER SUBSECTION (A) OF THIS SECTION, THE CLERK OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY SHALL DISTRIBUTE:**

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

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

(2) FUNDS DISTRIBUTED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY NOT BE USED TO SUPPLANT EXISTING FUNDING FOR THE

ENFORCEMENT OF LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO OR TOBACCO PRODUCTS TO MINORS.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.