

Chapter 359

(House Bill 900)

AN ACT concerning

Alcohol and Tobacco Commission – Clarifications

FOR the purpose of clarifying the authority, powers, and duties of officers and employees of the Field Enforcement Division in the Office of the Executive Director of the Alcohol and Tobacco Commission over certain matters; substituting references to the Division and the Commission, respectively, for references to the Comptroller in certain provisions relating to alcohol and tobacco; authorizing the officers and employees to make certain cooperative arrangements with the Office of the Comptroller; authorizing the Division to recommend certain changes to improve the administration of certain provisions; authorizing the Executive Director to delegate certain duties to certain persons; requiring the Executive Director to maintain certain records; requiring the Commission and the Comptroller to cooperate in the sharing of certain information and personnel in certain inspections and other activities for certain purposes; requiring the Commission and the Comptroller to enter into a certain memorandum of understanding for certain purposes; authorizing the Commission to enter into memoranda of understanding and certain arrangements with other governmental units for certain purposes; providing that certain seizures must be reported to the Division; requiring the Commission to provide certain notice of certain seized contraband; providing that the Commission may take certain actions; requiring certain property seizures and destruction to be reported to the Executive Director; providing for the inspection and search of certain property by certain officers; providing for the seizure, forfeiture, and disposition of certain property; providing for the issuance of certain summonses by the Commission; prohibiting the violation of certain regulations the Commission adopts; providing that authorized members of the Division are police officers and law enforcement officers for certain purposes; providing that the Comptroller shall administer the laws relating to the alcoholic beverages tax and the tobacco tax in cooperation with the Executive Director; requiring the Comptroller to adopt certain regulations to administer certain tax laws in cooperation with the Executive Director; requiring the Comptroller to provide certain tax stamps and certificates and adopt certain regulations in cooperation with the Executive Director; providing that certain employees of the Field Enforcement Bureau of the Office of the Comptroller have certain authority in cooperation with certain employees of the Division; requiring the Division to advise certain officers of certain matters; authorizing the Division to work cooperatively with certain officers on certain matters; requiring the Executive Director to report each year to the General Assembly on certain matters; exempting certain employees of the Division from certain overtime provisions; providing for the inclusion of certain officers employed by the Division in the Law Enforcement Officers' Pension System; altering the date as of which certain persons are to be transferred to the Office of the Executive Director; making ~~a~~ technical ~~correction~~ corrections; altering expiration dates of

certain initial terms; altering the effective date of a certain Act; and generally relating to the Alcohol and Tobacco Commission.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 1–304, 1–313 through 1–315, ~~and~~ 1–317, 4–109(b)(2), 6–101(c)(2), 6–103, 6–105(b)(3), 6–107, 6–108(b), 6–202(a), 6–203, 6–204(a), 6–205(b), 6–308(a)(3), and 6–328(a)(4)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

(As enacted by the Chapter 12 of the Acts of the General Assembly of 2019)

BY adding to

Article – Alcoholic Beverages

Section 1–321

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 2–101

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–101(e)(1) and 3–201

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 8–301 and 26–201(a)(2)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2–102, 2–103, 2–105, and 2–107

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Chapter 12 of the Acts of the General Assembly of 2019

Section ~~7~~ 3, 4(a)(1), 7, and 12

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

Article – Alcoholic Beverages

1–304.

(a) A member of the Commission may not:

(1) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests, in the alcohol[,]
OR tobacco[, or motor fuel] industries;

(2) have an official relationship to a person who holds a license or permit under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

(3) be an elected official;

(4) receive or share in, directly or indirectly, the receipts or proceeds of any activities conducted in the alcohol or tobacco industries;

(5) have a beneficial interest in any contract for the manufacture or sale of any device or product or the provision of any independent consulting services in connection with a holder of a license or permit issued under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article; or

(6) accept a contribution of money or property worth at least \$100 from an entity or individual associated with the alcohol or tobacco industries with respect to the regulation of alcohol or tobacco.

(b) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

1–313.

(a) There is a Field Enforcement Division in the Office of the Executive Director.

(b) (1) The Field Enforcement Division may employ officers and employees as provided in the State budget.

(2) The officers and employees of the Field Enforcement Division:

(i) shall be sworn police officers;

(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:

1. the unlawful importation of alcoholic beverages **AND TOBACCO** into the State;
2. the unlawful manufacture of alcoholic beverages **AND TOBACCO** in the State;
3. the transportation and distribution throughout the State of alcoholic beverages **AND TOBACCO** that are manufactured illegally and on which any alcoholic beverages taxes **OR TOBACCO TAXES** imposed by the State are due and unpaid; and
4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages **OR TOBACCO** by any person not licensed or authorized under this article [or], provisions of the Tax – General Article relating to alcoholic beverages **OR TOBACCO, OR PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO**; and

(iii) may make cooperative arrangements for and work and cooperate with **THE OFFICE OF THE COMPTROLLER**, local State’s Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers to enforce this article.

(c) The Field Enforcement Division:

(1) shall consult with and advise the local State’s Attorneys and other law enforcement officials and police officers regarding enforcement problems in their respective jurisdictions; and

(2) may recommend changes to improve the administration of this article [and], provisions of the Tax – General Article relating to alcoholic beverages **AND TOBACCO, AND PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO**.

1–314.

The Executive Director may delegate authority under this article [and], provisions of the Tax – General Article relating to alcoholic beverages **AND TOBACCO, AND PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO** to the Division director to issue or refuse to issue licenses and permits.

1–315.

(a) Except as provided in subsection (b) of this section, the Executive Director may delegate authority to conduct hearings on violations of this article or of any regulations adopted under this article [or], the provisions of the Tax – General Article relating to alcoholic beverages **OR TOBACCO, OR THE PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO** to the Division director or any other employee of the Executive Director’s office.

(b) The Division director or any other employee of the Executive Director’s office delegated authority to conduct hearings under subsection (a) of this section:

(1) may not impose a penalty provided for under this article or a provision of the Tax – General Article relating to alcoholic beverages; and

(2) shall report the findings and recommendations to the Executive Director to take the action that the Executive Director considers appropriate.

1–317.

(a) The Executive Director shall:

(1) maintain a record of:

(i) each license issued or approved under this article **AND TITLES 16, 16.5, AND 16.7 OF THE BUSINESS REGULATION ARTICLE**; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) allow any person to inspect the records at the Office of the Executive Director during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired; and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

1-321.

(A) IN ORDER TO INCREASE EFFICIENCY AND ACCURACY IN THE PERFORMANCE OF THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES UNDER THIS ARTICLE AND OTHER LAWS RELATING TO ALCOHOL AND TOBACCO, THE COMMISSION AND THE COMPTROLLER SHALL:

(1) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN INVESTIGATIONS OF LICENSED PREMISES AND OTHER LOCATIONS AND MATERIALS RELATING TO THE ENFORCEMENT OF THE ALCOHOL AND TOBACCO LAWS OF THE STATE;

(2) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN OTHER MATTERS RELATING TO THE MANUFACTURE, PROCESSING, IMPORTATION, TAXATION, SALE, AND SERVICE OF ALCOHOL AND TOBACCO IN THE STATE; AND

(3) ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE ACTIVITIES IN INSPECTIONS AND OTHER ENFORCEMENT ACTIVITIES RELATING TO THE ALCOHOL AND TOBACCO LAWS OF THE STATE.

(B) THE COMMISSION MAY ENTER INTO MEMORANDA OF UNDERSTANDING AND OTHER COOPERATIVE ARRANGEMENTS WITH FEDERAL, STATE, AND LOCAL GOVERNMENTAL UNITS IN CARRYING OUT THIS ARTICLE AND OTHER ALCOHOL AND TOBACCO LAWS OF THE STATE IN THE INTEREST OF REDUCING DUPLICATION OF EFFORTS AND REDUCING THE OVERALL COSTS OF ADMINISTRATION OF INSPECTION AND ENFORCEMENT PROGRAMS TO THE STATE.

4-109.

(b) The application shall also include a statement executed and acknowledged by the owner of the location where the business is to be conducted that:

(2) authorizes a warrantless inspection and search of the premises at any time in any part of the building in which the business is to be conducted by:

(i) the Comptroller;

(ii) THE COMMISSION;

(iii) the local licensing board and its authorized agents and employees; or

[(iii)] (IV) a peace officer of the county or municipality where the business is to be located.

6-101.

(c) (2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is forfeited unless a protest is filed within 30 days after the publication under subparagraph (ii) of this paragraph.

(ii) The Comptroller **OR THE COMMISSION, AS APPROPRIATE:**

1. if possible, shall notify the registered owner of the property of the seizure; and

2. shall publish a notice:

A. in a newspaper of general circulation in the county where the vehicle, vessel, or aircraft was seized; and

B. informing interested persons of the seizure and the right to file a protest.

6-103.

A vehicle, a vessel, or an aircraft used with the express or implied knowledge or consent of its owner to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages or to transport, store, or hide unlawful alcoholic beverages:

(1) is contraband; and

(2) may be seized by:

(I) the Comptroller or the Comptroller's authorized enforcement officers; **OR**

(II) **THE COMMISSION OR THE COMMISSION'S AUTHORIZED ENFORCEMENT OFFICERS;** and

(3) **MAY BE** forfeited in accordance with this subtitle.

6-105.

(b) (3) If the court does not determine that a lienholder had knowledge, but the property is otherwise subject to forfeiture:

(i) the property shall be forfeited; and

(ii) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, as the Comptroller OR EXECUTIVE DIRECTOR, AS APPROPRIATE, considers in the best interest of the State, may:

1. pay the outstanding indebtedness secured by the lien and keep the property; or

2. deliver the property to the lienholder.

6-107.

(a) Except as provided in subsection (c) of this section, forfeited property shall be retained for official use, sold, or otherwise disposed of by:

(1) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, AS APPROPRIATE, if the property was seized by State officers; or

(2) if the property was not seized by State officers:

(i) the Mayor and City Council of Baltimore City; or

(ii) the board of county commissioners or the county council of the county in which the property was seized.

(b) The Comptroller, THE EXECUTIVE DIRECTOR OF THE COMMISSION, the Mayor and City Council of Baltimore City, or the board of county commissioners or county council in the county where the property was seized shall retain or dispose of the property in the way it considers to be in the best public interest.

(c) Illicit alcoholic beverages shall be destroyed and may not be returned or given to any person or disposed of in any other manner.

6-108.

(b) The officer shall report the seizure and destruction conducted under this section to the Field Enforcement Division of the [Comptroller's office] COMMISSION.

6-202.

(a) A building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit may be inspected and searched, without a warrant, by:

(1) the Comptroller or an authorized deputy, inspector, or clerk of the Comptroller;

(2) THE EXECUTIVE DIRECTOR OF THE COMMISSION OR AN AUTHORIZED DEPUTY, INSPECTOR, OR CLERK OF THE COMMISSION;

(3) the local licensing board of the county or city where the place of business is located or an authorized agent or employee of the local licensing board; and

[(3)] (4) a peace officer of the county or city where the place of business is located.

6-203.

To prevent and detect fraud by manufacturers, wholesalers, and retail dealers, the [Comptroller] COMMISSION, the local licensing board, and an authorized deputy or inspector of the [Comptroller] COMMISSION or the local licensing board:

(1) may use hydrometers, saccharometers, weighing and gauging instruments, or other means, records, or devices to ascertain the quantity or quality of alcohol in an alcoholic beverage as they consider necessary; and

(2) may adopt rules and regulations to establish a uniform system of inspection, marking, and gauging of alcoholic beverages.

6-204.

(a) For a hearing or inquiry that the [Comptroller] COMMISSION or a local licensing board may hold or make, the [Comptroller] COMMISSION or a local licensing board may issue summonses for witnesses and administer oaths or affirmations to the witnesses.

6-205.

(b) The powers and duties conferred on the Comptroller, THE COMMISSION, or ANY other State official by this article do not relieve local officials from the duty of enforcement or prosecution.

6-308.

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

(3) the limited winery or winery trade association complies with any regulations that the [Comptroller] COMMISSION adopts relating to on-premises promotions and product sampling;

6–328.

(a) A person may not:

(4) violate a regulation that the Comptroller OR THE COMMISSION adopts under this article or the Tax – General Article.

Article – Criminal Procedure

2–101.

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

(b) “Emergency” means a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(1) a member of the Department of State Police;

(2) a member of the Police Department of Baltimore City;

(3) a member of the Baltimore City School Police Force;

(4) a member of the police department, bureau, or force of a county;

(5) a member of the police department, bureau, or force of a municipal corporation;

(6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;

(7) a member of the University System of Maryland Police Force or Morgan State University Police Force;

(8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;

(9) a member of the Maryland Capitol Police of the Department of General Services;

(10) the sheriff of a county whose usual duties include the making of arrests;

(11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;

(12) a member of the Natural Resources Police Force of the Department of Natural Resources;

(13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;

(14) AN AUTHORIZED MEMBER OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;

(15) a member of the Maryland–National Capital Park and Planning Commission Park Police;

[(15)] (16) a member of the Housing Authority of Baltimore City Police Force;

[(16)] (17) a member of the Crofton Police Department;

[(17)] (18) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

[(18)] (19) a member of the Intelligence and Investigative Division of the Department;

[(19)] (20) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

[(20)] (21) a member of the Washington Suburban Sanitary Commission Police Force;

[(21)] (22) a member of the Ocean Pines Police Department;

[(22)] (23) a member of the police force of the Baltimore City Community College;

[(23)] (24) a member of the police force of the Hagerstown Community College;

[(24)] (25) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department;

[(25)] (26) a member of the police force of the Anne Arundel Community College; or

[(26)] (27) a member of the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

Article – Public Safety

3–101.

(e) (1) “Law enforcement officer” means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the Baltimore City School Police Force;

4. the Baltimore City Watershed Police Force;

5. the police department, bureau, or force of a county;

6. the police department, bureau, or force of a municipal corporation;

7. the office of the sheriff of a county;

8. the police department, bureau, or force of a bicounty agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller’s Office;

13. **THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**

14. the Housing Authority of Baltimore City Police Force;

- Health; [14.] 15. the Crofton Police Department;
- [15.] 16. the police force of the Maryland Department of
- Department of General Services; [16.] 17. the police force of the Maryland Capitol Police of the
- Maryland; [17.] 18. the police forces of the University System of
- [18.] 19. the police force of Morgan State University;
- [19.] 20. the office of State Fire Marshal;
- [20.] 21. the Ocean Pines Police Department;
- College; [21.] 22. the police force of the Baltimore City Community
- College; [22.] 23. the police force of the Hagerstown Community
- [23.] 24. the Internal Investigation Unit of the Department
of Public Safety and Correctional Services;
- [24.] 25. the Warrant Apprehension Unit of the Division of
Parole and Probation in the Department of Public Safety and Correctional Services;
- College; or [25.] 26. the police force of the Anne Arundel Community
- [26.] 27. the police department of the Johns Hopkins
University established in accordance with Title 24, Subtitle 12 of the Education Article.

3-201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commission” means the Maryland Police Training and Standards Commission.
- (c) “Department” means the Department of Public Safety and Correctional Services.

(d) (1) “Law enforcement agency” means a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.

(2) “Law enforcement agency” does not include members of the Maryland National Guard who:

- (i) are under the control and jurisdiction of the Military Department;
- (ii) are assigned to the military property designated as the Martin State Airport; and
- (iii) are charged with exercising police powers in and for the Martin State Airport.

(e) “Motorcycle profiling” means the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle–related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.

(f) (1) “Police officer” means an individual who:

- (i) is authorized to enforce the general criminal laws of the State;
- and
- (ii) is a member of one of the following law enforcement agencies:
 1. the Department of State Police;
 2. the Police Department of Baltimore City;
 3. the police department, bureau, or force of a county;
 4. the police department, bureau, or force of a municipal corporation;
 5. the Maryland Transit Administration police force;
 6. the Maryland Transportation Authority Police;
 7. the police forces of the University System of Maryland;
 8. the police force of Morgan State University;

9. the office of the sheriff of a county;
 10. the police forces of the Department of Natural Resources;
 11. the police force of the Maryland Capitol Police of the Department of General Services;
 12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;
 13. the Housing Authority of Baltimore City Police Force;
 14. the Baltimore City School Police Force;
 15. the Crofton Police Department;
 16. the Washington Suburban Sanitary Commission Police Force;
 17. the Ocean Pines Police Department;
 18. the police force of the Baltimore City Community College;
 19. the police force of the Hagerstown Community College;
 20. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests;
 21. the police force of the Anne Arundel Community College;
- or
22. the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

(2) "Police officer" includes:

(i) a member of the Field Enforcement Bureau of the Comptroller's Office;

(ii) **A MEMBER OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**

(iii) the State Fire Marshal or a deputy State fire marshal;

[(iii)] **(IV)** an investigator of the Intelligence and Investigative Division of the Department;

[(iv)] **(V)** a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

[(v)] **(VI)** an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

[(vi)] **(VII)** a Prince George’s County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

[(vii)] **(VIII)** a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

[(viii)] **(IX)** a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; and

[(ix)] **(X)** a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

(3) “Police officer” does not include:

(i) an individual who serves as a police officer only because the individual occupies another office or position;

(ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority; or

(iii) a member of the Maryland National Guard who:

1. is under the control and jurisdiction of the Military Department;

2. is assigned to the military property designated as the Martin State Airport; and

3. is charged with exercising police powers in and for the Martin State Airport.

(g) “SWAT team” means an agency–designated unit of law enforcement officers who are selected, trained, and equipped to work as a coordinated team to resolve critical

incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

Article – State Personnel and Pensions

8–301.

(a) Except as provided in subsection (b) of this section, in § 8–309 of this subtitle, or otherwise by law, this subtitle applies to all employees over whom the Secretary has authority to administer pay.

(b) This subtitle does not apply to a law enforcement employee of:

(1) the Field Enforcement Bureau of the State Comptroller’s Office; OR

(2) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION.

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(2) a law enforcement officer employed by:

(I) the Field Enforcement Bureau; OR

(II) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;

Article – Tax – General

2–102.

(A) In addition to the duties set forth elsewhere in this article and in other articles of the Code, the Comptroller shall administer the laws that relate to:

(1) the admissions and amusement tax;

(2) [the alcoholic beverage tax;

(3)] the boxing and wrestling tax;

[(4)] **(3)** the income tax;

- ~~[(5)]~~ (4) the Maryland estate tax;
- ~~[(6)]~~ (5) the Maryland generation–skipping transfer tax;
- ~~[(7)]~~ (6) the motor carrier tax;
- ~~[(8)]~~ (7) the motor fuel tax;
- ~~[(9)]~~ (8) the sales and use tax; **AND**
- ~~[(10)]~~ (9) the savings and loan association franchise tax~~];~~ and
- (11) the tobacco tax].

(B) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, AND IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS ARTICLE AND IN OTHER ARTICLES OF THE CODE, THE COMPTROLLER SHALL ADMINISTER THE LAWS THAT RELATE TO:

- (1) THE ALCOHOLIC BEVERAGE TAX; AND**
- (2) THE TOBACCO TAX.**

2–103.

The Comptroller shall adopt reasonable regulations:

(1) to administer the provisions of the tax laws listed in [§ 2–102] § 2–102(A) of this subtitle; AND

(2) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, TO ADMINISTER THE PROVISIONS OF THE TAX LAWS LISTED IN § 2–102(B) OF THIS SUBTITLE.

2–105.

(a) The Comptroller shall design the license form required for:

- (1) the motor fuel tax laws; and
- (2) the sales and use tax laws.

(b) The Comptroller:

- (1) shall determine:
 - (i) the design of tax stamps and certificates required for the alcoholic beverage tax and for the tobacco tax; and
 - (ii) the form of any other evidence of tax payment; and
- (2) may adopt any other method or device that the Comptroller considers necessary to:
 - (i) prevent fraud or evasion of the alcoholic beverage tax; or
 - (ii) comply with any restrictions that the federal government imposes on alcoholic beverages during a war or an emergency.

(c) **[The] IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, THE** Comptroller:

- (1) shall provide tax stamps and certificates to indicate that the alcoholic beverage tax or tobacco tax has been paid; and
- (2) may adopt reasonable regulations to prevent abuse but ensure the adequate availability of tax stamps and certificates, including regulations that:
 - (i) limit excessive disbursement of tax stamps and certificates; and
 - (ii) require proof of need for tax stamps and certificates.

2-107.

- (a) Authorized employees of the Field Enforcement Bureau of the Comptroller's Office:
 - (1) shall be individuals who are sworn police officers; and
 - (2) have all the powers, duties, and responsibilities of a peace officer for the purpose of enforcing the laws pertaining to:
 - (i) admissions and amusement tax;
 - (ii) **[alcoholic beverage tax;**
 - (iii)] income tax;
 - [(iv)] (III)** motor carrier tax;

[(v)] **(IV)** motor fuel and lubricants;

[(vi)] **(V)** motor fuel tax;

[(vii)] **(VI)** sales and use tax;

[(viii)] tobacco tax; and]

[(ix)] **(VII)** transient vendors within the meaning of Title 17, Subtitle 20A of the Business Regulation Article; **AND**

(VIII) IN COOPERATION WITH THE AUTHORIZED EMPLOYEES OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION:

1. ALCOHOLIC BEVERAGE TAX; AND

2. TOBACCO TAX.

(b) (1) The Department of State Police shall help the Field Enforcement Bureau in enforcing the motor carrier tax, motor fuel tax and motor fuel and lubricants laws.

(2) The Comptroller shall pay the salaries and expenses of all Department of State Police staff assigned to the Field Enforcement Bureau.

(c) (1) (i) Except for the Sheriff, constables and bailiffs of Baltimore County, each law enforcement officer shall enforce the alcoholic beverage tax and tobacco tax laws.

(ii) A State's Attorney or other prosecutor may prosecute alleged violations of the alcoholic beverage tax or tobacco tax laws.

(2) The Field Enforcement Bureau **OF THE COMPTROLLER'S OFFICE AND THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION:**

(i) shall advise a State's Attorney and law enforcement officers about enforcement problems; and

(ii) otherwise may work cooperatively with law enforcement officers and prosecutors to carry out the duties of the unit.

(3) This subsection does not restrict the appropriation of money by a political subdivision of the State to aid in the enforcement of the alcoholic beverage tax and tobacco tax laws.

(d) (1) Each unit of the State government shall cooperate with the Comptroller's Office by making available, on request, any information in the unit's possession as may be of assistance in the administration and enforcement of the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(2) The Field Enforcement Bureau shall cooperate with and help the federal government, other states, and local governments and law enforcement personnel of those jurisdictions to enforce the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(e) On or before October 1 each year, the [Comptroller's Office] **EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION** shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(1) the aggregate number of licensed tobacco retailers that committed a violation of § 10–107 of the Criminal Law Article and the aggregate number of minors who committed a violation of [§ 10–108] **§ 10–107** of the Criminal Law Article during the reporting period;

(2) the number of prior violations for licensed tobacco retailers and minors that committed a violation during the reporting period; and

(3) the subsequent action taken by the [Comptroller's Office] **EXECUTIVE DIRECTOR** against each violator and, for each action taken, the number of violations committed by the violator.

Chapter 12 of the Acts of 2019

SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the members of the Alcohol and Tobacco Commission appointed under Section 1 of this Act shall expire as follows:

- (1) one member on June 30, [2021] **2022**;
- (2) one member on June 30, [2022] **2023**;
- (3) one member on June 30, [2023] **2024**; and
- (4) two members on June 30, [2024] **2025**.

SECTION 4. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) It is the intent of the General Assembly that:

(1) the transfer of the Field Enforcement Division and the personnel of the Division to the Alcohol and Tobacco Commission under this Act shall take effect not later than [July] JANUARY 1, [2020] 2021;

SECTION 7. AND BE IT FURTHER ENACTED, That all persons who, as of [June 30] ~~MAY DECEMBER 31~~, 2020, are employees in budgeted positions of the Office of the Comptroller and whose positions are transferred to the Office of the Executive Director of the Alcohol and Tobacco Commission as provided by this Act are hereby transferred to the Office of the Executive Director of the Alcohol and Tobacco Commission without any change or loss of rights pay, working conditions, benefits, rights, or status, and shall retain any merit system and retirement status they may have on the date of transfer.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect [June] JANUARY 1, [2020] 2021.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.