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By: **Delegates Mitchell, Kach, Love, Pendergrass, Wood, Owings, K. Kelly,  
McClenahan, O'Donnell, and Fulton**

Introduced and read first time: February 11, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Cigarettes - Regulation**

3 FOR the purpose of prohibiting certain persons from shipping, importing, or selling  
4 into or within this State any brand of cigarette; requiring certain persons to  
5 comply with certain federal and State requirements and to provide a certain  
6 assurance; providing that a certain person is subject to certain disciplinary  
7 action under certain circumstances; specifying a certain penalty for certain  
8 violations of this Act; and generally relating to the regulation of cigarettes.

9 BY adding to  
10 Article - Business Regulation  
11 Section 16-222  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article - Tax - General  
16 Section 13-1015  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1998 Supplement)

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

21 **Article - Business Regulation**

22 16-222.

23 (A) A PERSON MAY NOT SHIP, IMPORT, OR SELL INTO OR WITHIN THIS STATE  
24 ANY BRAND OF CIGARETTE UNLESS THAT PERSON:

- 25 (1) IS THE OWNER OF THE BRAND;
- 26 (2) IS THE UNITED STATES IMPORTER FOR THE BRAND; OR

1 (3) IS A DESIGNATED AGENT OF:

2 (I) THE OWNER OF THE BRAND; OR

3 (II) THE UNITED STATES IMPORTER OF THE BRAND; AND

4 (4) HOLDS ANY LICENSE REQUIRED BY THIS SUBTITLE.

5 (B) A PERSON WHO SHIPS, IMPORTS, OR SELLS CIGARETTES INTO OR WITHIN  
6 THIS STATE:

7 (1) SHALL COMPLY WITH ANY FEDERAL AND STATE REQUIREMENTS  
8 CONCERNING THE PLACEMENT OF WARNING LABELS OR OTHER INFORMATION ON  
9 THE CONTAINERS OR INDIVIDUAL PACKAGES OF CIGARETTES; AND

10 (2) SHALL ENSURE THAT THE CONTAINERS OR INDIVIDUAL PACKAGES  
11 OF CIGARETTES DO NOT CONTAIN ANY INFORMATION OR MARKINGS THAT ARE  
12 FALSE, MISLEADING, OR CONTRARY TO:

13 (I) FEDERAL TRADEMARK OR TAX LAWS;

14 (II) THE TRADEMARK LAW OF THIS STATE UNDER TITLE 1,  
15 SUBTITLE 4 OF THIS ARTICLE; OR

16 (III) THE TAX LAWS OF THIS STATE UNDER TITLE 12 OF THE TAX -  
17 GENERAL ARTICLE.

18 (C) A PERSON WHO SHIPS, IMPORTS, OR SELLS CIGARETTES INTO OR WITHIN  
19 THIS STATE IN VIOLATION OF THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION  
20 BY THE COMPTROLLER UNDER § 16-210 OF THIS SUBTITLE AND TO THE PENALTY  
21 SPECIFIED IN § 13-1015 OF THE TAX - GENERAL ARTICLE.

22 **Article - Tax - General**

23 13-1015.

24 A person who willfully SHIPS, IMPORTS, SELLS INTO OR WITHIN, OR transports  
25 [in] WITHIN, [the] THIS State [unstamped] cigarettes in violation of TITLE 12 OF  
26 THIS ARTICLE OR [§ 16-219] § 16-219 OR § 16-222 of the Business Regulation Article  
27 is guilty of a felony and, on conviction, is subject to a fine not exceeding \$25 for each  
28 carton of cigarettes transported or imprisonment not exceeding 1 year or both.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 1999.