

HOUSE BILL 667

Unofficial Copy  
C2

1999 Regular Session  
9r2030  
CF 9r2250

---

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

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1999

---

CHAPTER \_\_\_\_\_

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:

1

**Article - Business Regulation**

2 16-222.

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

5 (1) IS THE OWNER OF THE BRAND;

6 (2) IS THE UNITED STATES IMPORTER FOR THE BRAND; OR

7 (3) IS A DESIGNATED AGENT IN MARYLAND OF:

8 (I) THE OWNER OF THE BRAND; OR

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

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

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

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

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

19 (I) FEDERAL TRADEMARK OR TAX LAWS;

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

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

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

28

**Article - Tax - General**

29 13-1015.

30 A person who willfully SHIPS, IMPORTS, SELLS INTO OR WITHIN, OR transports  
31 [in] WITHIN, [the] THIS State [unstamped] cigarettes in violation of TITLE 12 OF  
32 THIS ARTICLE OR [§ 16-219] § 16-219 OR § 16-222 of the Business Regulation Article  
33 is guilty of a felony and, on conviction, is subject to a fine not exceeding ~~\$25~~ \$50 for

1 each carton of cigarettes transported or imprisonment not exceeding ~~1 year~~ 2 YEARS  
2 or both.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 ~~October~~ July 1, 1999.