

HOUSE BILL 609

I4

8lr1816

By: **Delegates Tarrant, Ali, Anderson, Barnes, Branch, Burns, Cane, Cardin, Carr, Doory, Dumais, Feldman, Frush, Guzzone, Harrison, Haynes, Hecht, Howard, Hubbard, Hucker, Ivey, Jameson, King, Kirk, Krysiak, Levi, Love, Manno, Mathias, McComas, McDonough, McHale, McIntosh, Morhaim, Nathan-Pulliam, Niemann, Norman, Oaks, Olszewski, Pena-Melnyk, Proctor, Ramirez, Reznik, Rice, Rosenberg, Ross, Rudolph, Schuler, Simmons, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker**

Introduced and read first time: January 31, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cigars – Sales of Less Than Five Per Package – Prohibited**

3 FOR the purpose of prohibiting certain retailers from purchasing from certain
4 manufacturers or wholesalers, or selling, reselling, distributing, dispensing, or
5 giving away to certain persons, a package of cigars containing less than a
6 certain number of cigars; prohibiting certain wholesalers from selling, reselling,
7 distributing, dispensing, or giving away to certain persons a package of cigars
8 containing less than a certain number of cigars; requiring the State Comptroller
9 to enforce this Act; requiring the State Comptroller to employ certain persons to
10 enforce this Act; requiring the State Comptroller to adopt certain regulations;
11 defining certain terms; providing for the application of this Act; and generally
12 relating to cigars.

13 BY adding to

14 Article – Commercial Law

15 Section 11–5B–01 through 11–5B–04 to be under the new subtitle “Subtitle 5B.
16 Cigar Sales of Less Than Five Per Package”

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2007 Supplement)

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

21 **Article – Commercial Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 5B. CIGAR SALES OF LESS THAN FIVE PER PACKAGE.**

2 **11-5B-01.**

3 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 (B) **“RETAILER” MEANS A PERSON LOCATED IN THE STATE WHO HOLDS**
6 **FOR SALE OR SELLS CIGARS TO A CONSUMER IN THE STATE.**

7 (C) **“SELL” HAS THE MEANING STATED IN § 11-501 OF THIS TITLE.**

8 (D) **“WHOLESALER” MEANS A PERSON, WHETHER LOCATED IN OR**
9 **OUTSIDE THE STATE, WHO HOLDS FOR SALE OR SELLS CIGARS TO A RETAILER**
10 **OR CONSUMER IN THE STATE.**

11 **11-5B-02.**

12 (A) **THIS SUBTITLE DOES NOT APPLY TO A RETAIL TOBACCO BUSINESS**
13 **IF:**

14 (1) **THE PRIMARY ACTIVITY OF THE BUSINESS IS THE RETAIL**
15 **SALE OF TOBACCO PRODUCTS AND ACCESSORIES, OTHER THAN CIGARETTES;**
16 **AND**

17 (2) **THE SALE OF OTHER PRODUCTS IS INCIDENTAL TO THE**
18 **BUSINESS.**

19 (B) **THIS SUBTITLE DOES NOT APPLY TO A CIGAR THAT HAS A**
20 **WHOLESALE PRICE OF LESS THAN \$2.**

21 **11-5B-03.**

22 (A) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RETAILER**
23 **MAY NOT PURCHASE FROM A TOBACCO PRODUCT MANUFACTURER OR**
24 **WHOLESALER, OR SELL, RESELL, DISTRIBUTE, DISPENSE, OR GIVE AWAY TO ANY**
25 **PERSON, A PACKAGE OF CIGARS CONTAINING LESS THAN FIVE CIGARS.**

26 (B) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A**
27 **WHOLESALER MAY NOT SELL, RESELL, DISTRIBUTE, DISPENSE, OR GIVE AWAY**
28 **TO ANY PERSON IN THE STATE A PACKAGE OF CIGARS CONTAINING LESS THAN**
29 **FIVE CIGARS.**

1 **11-5B-04.**

2 (A) **THE STATE COMPTROLLER SHALL ENFORCE THIS SUBTITLE.**

3 (B) **THE STATE COMPTROLLER SHALL:**

4 (1) **EMPLOY AND DETERMINE THE DUTIES AND COMPENSATION**
5 **OF THE INSPECTORS AND OTHER PERSONNEL NECESSARY TO ENFORCE THIS**
6 **SUBTITLE; AND**

7 (2) **ADOPT REGULATIONS NECESSARY TO EFFECTUATE AND**
8 **ENFORCE THE PROVISIONS OF THIS SUBTITLE.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2008.