

# HOUSE BILL 617

C2, I4, Q7

8lr1814

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By: **Delegates Tarrant, Ali, Barnes, Cane, Cardin, Carr, Frush, Gilchrist, Harrison, Haynes, Howard, Hubbard, Ivey, Manno, McHale, McIntosh, Morhaim, Niemann, Oaks, Pena-Melnyk, Proctor, Ramirez, Rice, Rosenberg, Rudolph, Simmons, Stukes, Taylor, F. Turner, V. Turner, Waldstreicher, and Walker**

Introduced and read first time: January 31, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Cigarette – Definition**

3 FOR the purpose of altering the definition of cigarette in connection with tobacco  
4 taxes, the regulation of cigarette businesses, the sale of cigarettes below cost,  
5 and certain cigarette fire safety standards to include certain tobacco products  
6 that are wrapped in certain substances and weigh less than a certain amount  
7 and certain tobacco products likely to be offered to, or purchased by, consumers  
8 as cigarettes; providing for a delayed effective date for certain provisions of this  
9 Act; and generally relating to the definition of cigarettes.

10 BY repealing and reenacting, with amendments,  
11 Article – Business Regulation  
12 Section 16–101(b)  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Business Regulation  
17 Section 16–601  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2007 Supplement)  
20 (As enacted by Chapter 497 of the Acts of the General Assembly of 2007)

21 BY repealing and reenacting, with amendments,  
22 Article – Commercial Law  
23 Section 11–501(c)  
24 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2007 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Tax – General  
4 Section 12–101(b)  
5 Annotated Code of Maryland  
6 (2004 Replacement Volume and 2007 Supplement)

7 BY repealing and reenacting, without amendments,  
8 Article – Tax – General  
9 Section 12–101(c)  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Business Regulation  
14 Section 16–601  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2007 Supplement)  
17 (As enacted by Section 1 of this Act)

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

20 **Article – Business Regulation**

21 16–101.

22 (b) “Cigarette” means any size or shaped roll for smoking that is made of  
23 tobacco or tobacco mixed with another ingredient and:

24 (1) IS wrapped in paper or in any other material except tobacco;

25 (2) IS WRAPPED IN PAPER CONTAINING TOBACCO AND, WITH THE  
26 WRAPPER, WEIGHS LESS THAN 3 POUNDS PER THOUSAND CIGARETTES; OR

27 (3) (I) CONTAINS TOBACCO, IN ANY FORM, THAT IS  
28 FUNCTIONAL IN THE PRODUCT; AND

29 (II) IS LIKELY TO BE OFFERED TO, OR PURCHASED BY,  
30 CONSUMERS AS A CIGARETTE, AS DESCRIBED IN ITEMS (1) AND (2) OF THIS  
31 SUBSECTION, BECAUSE OF:

32 1. ITS APPEARANCE;

33 2. THE TYPE OF TOBACCO USED IN THE FILLER; OR



1 (i) "Vending machine operator" has the meaning stated in § 16–201 of this  
2 title.

3 (j) "Wholesaler" has the meaning stated in § 16–201 of this title.

4 **Article – Commercial Law**

5 11–501.

6 (c) [(1) "Cigarettes"] **"CIGARETTE"** means any size or shaped roll for  
7 smoking that is made of tobacco or tobacco mixed with another ingredient and:

8 (1) **IS wrapped in paper or in any other material except tobacco;**

9 (2) **IS WRAPPED IN PAPER CONTAINING TOBACCO AND, WITH THE**  
10 **WRAPPER, WEIGHS LESS THAN 3 POUNDS PER THOUSAND CIGARETTES; OR**

11 (3) (I) **CONTAINS TOBACCO, IN ANY FORM, THAT IS**  
12 **FUNCTIONAL IN THE PRODUCT; AND**

13 (II) **IS LIKELY TO BE OFFERED TO, OR PURCHASED BY,**  
14 **CONSUMERS AS A CIGARETTE, AS DESCRIBED IN ITEMS (1) AND (2) OF THIS**  
15 **SUBSECTION, BECAUSE OF:**

16 1. **ITS APPEARANCE;**

17 2. **THE TYPE OF TOBACCO USED IN THE FILLER; OR**

18 3. **ITS PACKAGING.**

19 [(2) "Cigarettes" does not include cigars.]

20 **Article – Tax – General**

21 12–101.

22 (b) "Cigarette" means any size or shaped roll for smoking that is made of  
23 tobacco or tobacco mixed with another ingredient and:

24 (1) **IS wrapped in paper or in any other material except tobacco;**

25 (2) **IS WRAPPED IN PAPER CONTAINING TOBACCO AND, WITH THE**  
26 **WRAPPER, WEIGHS LESS THAN 3 POUNDS PER THOUSAND CIGARETTES; OR**

1           **(3) (I) CONTAINS TOBACCO, IN ANY FORM, THAT IS**  
2 **FUNCTIONAL IN THE PRODUCT; AND**

3                   **(II) IS LIKELY TO BE OFFERED TO, OR PURCHASED BY,**  
4 **CONSUMERS AS A CIGARETTE, AS DESCRIBED IN ITEMS (1) AND (2) OF THIS**  
5 **SUBSECTION, BECAUSE OF:**

6                           **1. ITS APPEARANCE;**

7                           **2. THE TYPE OF TOBACCO USED IN THE FILLER; OR**

8                           **3. ITS PACKAGING.**

9           (c) “Other tobacco product” means:

10                   (1) any cigar or roll for smoking, other than a cigarette, made in whole  
11 or in part of tobacco; or

12                   (2) any other tobacco or product made primarily from tobacco, other  
13 than a cigarette, that is intended for consumption by smoking or chewing or as snuff.

14           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
15 read as follows:

16                                   **Article – Business Regulation**

17   16–601.

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

19           (b) [“Cigarette” means any size or shaped roll for smoking that:

20                   (1) is made of tobacco or tobacco mixed with another ingredient; and

21                   (2) is wrapped in paper or in any other material except tobacco.

22           (c)] “Commission” means the State Fire Prevention Commission.

23           [(d)] (C) “Manufacturer” means:

24                   (1) a person that manufactures or otherwise produces, or causes to be  
25 manufactured or produced, cigarettes intended for sale in this State, including  
26 cigarettes intended for sale in the United States through an importer;

1                   (2)     the first purchaser anywhere that intends to resell in the United  
2 States cigarettes that the original manufacturer or maker does not intend for sale in  
3 the United States; or

4                   (3)     a person that is a successor of a person listed in item (1) or (2) of  
5 this subsection.

6           [[e)] (D)     “Quality control and quality assurance program” means laboratory  
7 procedures implemented to ensure that:

8                   (1)     operator bias, systematic and nonsystematic methodological errors,  
9 and equipment–related problems do not affect the results of the testing; and

10                   (2)     the testing repeatability remains within the required repeatability  
11 value for any test trial used to certify cigarettes under this subtitle.

12           [[f)] (E)     “Repeatability” means the range of values within which the repeat  
13 results of cigarette test trials from a single laboratory fall 95% of the time.

14           [[g)] (F)     “Retailer” has the meaning stated in § 16–201 of this title.

15           [[h)] (G)     “Subwholesaler” has the meaning stated in § 16–201 of this title.

16           [[i)] (H)     “Vending machine operator” has the meaning stated in § 16–201 of  
17 this title.

18           [[j)] (I)     “Wholesaler” has the meaning stated in § 16–201 of this title.

19           SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
20 take effect July 1, 2009.

21           SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in  
22 Section 3 of this Act, this Act shall take effect July 1, 2008.