

HOUSE BILL 1159

C2

4lr2370

By: Delegates Vitale, Eckardt, Haddaway-Riccio, Hogan, ~~and O'Donnell~~
O'Donnell, Aumann, Barkley, Braveboy, Burns, Clagett, Davis, Glenn,
Hucker, Impallaria, Jameson, Love, McHale, Minnick, W. Miller,
Mitchell, Olszewski, Rudolph, Schuh, Schulz, Stifler, and Vaughn

Introduced and read first time: February 7, 2014

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2014

CHAPTER _____

1 AN ACT concerning

2 **Cigarettes – County Retail License Holder – Prohibited Sales**

3 FOR the purpose of prohibiting a person who holds a certain county license to sell
4 cigarettes at retail from selling certain herbal incense or potpourri that includes
5 a noncontrolled substance with a chemical structure that is substantially
6 similar to the chemical structure of a controlled dangerous substance;
7 authorizing the Comptroller to take certain disciplinary actions against certain
8 license holders for a violation of this Act; establishing certain criminal penalties
9 for a violation of this Act; authorizing certain employees of the Field
10 Enforcement Bureau of the Comptroller's Office to enforce certain provisions of
11 this Act; and generally relating to prohibited sales by county retail cigarette
12 license holders.

13 BY repealing and reenacting, with amendments,
14 Article – Business Regulation
15 Section 16–306 and 16–309
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2013 Supplement)

18 BY adding to
19 Article – Business Regulation
20 Section 16–308.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2013 Supplement)

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

5 **Article – Business Regulation**

6 16–306.

7 Subject to the hearing provisions of § 16–307 of this subtitle, the Comptroller
8 may deny a county license to an applicant, reprimand a county licensee, or suspend or
9 revoke a county license if the applicant or licensee:

10 (1) fraudulently or deceptively obtains or attempts to obtain a license
11 for the applicant or licensee or for another person;

12 (2) fraudulently or deceptively uses a license; [or]

13 **(3) VIOLATES § 16–308.1 OF THIS SUBTITLE; OR**

14 **[3] (4)** fails to comply with the Maryland Cigarette Sales Below
15 Cost Act and regulations adopted under it.

16 **16–308.1.**

17 **(A) A PERSON WHO HOLDS A COUNTY LICENSE MAY NOT SELL HERBAL**
18 **INCENSE OR POTPOURRI THAT INCLUDES A NONCONTROLLED SUBSTANCE WITH**
19 **A CHEMICAL STRUCTURE THAT IS SUBSTANTIALLY SIMILAR TO THE CHEMICAL**
20 **STRUCTURE OF A CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101**
21 **OF THE CRIMINAL LAW ARTICLE.**

22 **(B) AUTHORIZED EMPLOYEES OF THE FIELD ENFORCEMENT BUREAU**
23 **OF THE COMPTROLLER’S OFFICE MAY ENFORCE THE PROVISIONS OF**
24 **SUBSECTION (A) OF THIS SECTION.**

25 16–309.

26 **(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
27 **person who violates this subtitle is guilty of a misdemeanor and, on conviction, is**
28 **subject to a fine of \$100.**

29 **(B) A PERSON WHO VIOLATES § 16–308.1 OF THIS SUBTITLE IS GUILTY**
30 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
31 **EXCEEDING:**

1 **(1) EXCEPT AS PROVIDED IN ITEMS (2) AND (3) OF THIS**
2 **SUBSECTION, \$300;**

3 **(2) FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS**
4 **AFTER THE FIRST VIOLATION, \$1,000; AND**

5 **(3) FOR A THIRD OR SUBSEQUENT VIOLATION OCCURRING**
6 **WITHIN 2 YEARS AFTER THE PRECEDING VIOLATION, \$3,000.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.