

HOUSE BILL 900

A1, J1

0lr1058
CF SB 911

By: **Delegate Miller**

Introduced and read first time: February 5, 2020

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Alcohol and Tobacco Commission – Clarifications**

3 FOR the purpose of clarifying the authority, powers, and duties of officers and employees
4 of the Field Enforcement Division in the Office of the Executive Director of the
5 Alcohol and Tobacco Commission over certain matters; substituting references to the
6 Division and the Commission, respectively, for references to the Comptroller in
7 certain provisions relating to alcohol and tobacco; authorizing the officers and
8 employees to make certain cooperative arrangements with the Office of the
9 Comptroller; authorizing the Division to recommend certain changes to improve the
10 administration of certain provisions; authorizing the Executive Director to delegate
11 certain duties to certain persons; requiring the Executive Director to maintain
12 certain records; requiring the Commission and the Comptroller to cooperate in the
13 sharing of certain information and personnel in certain inspections and other
14 activities for certain purposes; requiring the Commission and the Comptroller to
15 enter into a certain memorandum of understanding for certain purposes; authorizing
16 the Commission to enter into memoranda of understanding and certain
17 arrangements with other governmental units for certain purposes; providing that
18 certain seizures must be reported to the Division; requiring the Commission to
19 provide certain notice of certain seized contraband; providing that the Commission
20 may take certain actions; requiring certain property seizures and destruction to be
21 reported to the Executive Director; providing for the inspection and search of certain
22 property by certain officers; providing for the seizure, forfeiture, and disposition of
23 certain property; providing for the issuance of certain summonses by the
24 Commission; prohibiting the violation of certain regulations the Commission adopts;
25 providing that authorized members of the Division are police officers and law

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 enforcement officers for certain purposes; providing that the Comptroller shall
 2 administer the laws relating to the alcoholic beverages tax and the tobacco tax in
 3 cooperation with the Executive Director; requiring the Comptroller to adopt certain
 4 regulations to administer certain tax laws in cooperation with the Executive
 5 Director; requiring the Comptroller to provide certain tax stamps and certificates
 6 and adopt certain regulations in cooperation with the Executive Director; providing
 7 that certain employees of the Field Enforcement Bureau of the Office of the
 8 Comptroller have certain authority in cooperation with certain employees of the
 9 Division; requiring the Division to advise certain officers of certain matters;
 10 authorizing the Division to work cooperatively with certain officers on certain
 11 matters; requiring the Executive Director to report each year to the General
 12 Assembly on certain matters; exempting certain employees of the Division from
 13 certain overtime provisions; providing for the inclusion of certain officers employed
 14 by the Division in the Law Enforcement Officers' Pension System; altering the date
 15 as of which certain persons are to be transferred to the Office of the Executive
 16 Director; making ~~a technical correction~~ corrections; altering expiration dates of
 17 certain initial terms; altering the effective date of a certain Act; and generally
 18 relating to the Alcohol and Tobacco Commission.

19 BY repealing and reenacting, with amendments,

20 Article – Alcoholic Beverages

21 Section 1–304, 1–313 through 1–315, ~~and~~ 1–317, 4–109(b)(2), 6–101(c)(2), 6–103,
 22 6–105(b)(3), 6–107, 6–108(b), 6–202(a), 6–203, 6–204(a), 6–205(b),
 23 6–308(a)(3), and 6–328(a)(4)

24 Annotated Code of Maryland

25 (2016 Volume and 2019 Supplement)

26 (As enacted by the Chapter 12 of the Acts of the General Assembly of 2019)

27 BY adding to

28 Article – Alcoholic Beverages

29 Section 1–321

30 Annotated Code of Maryland

31 (2016 Volume and 2019 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article – Criminal Procedure

34 Section 2–101

35 Annotated Code of Maryland

36 (2018 Replacement Volume and 2019 Supplement)

37 BY repealing and reenacting, with amendments,

38 Article – Public Safety

39 Section 3–101(e)(1) and 3–201

40 Annotated Code of Maryland

41 (2018 Replacement Volume and 2019 Supplement)

42 BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 8–301 and 26–201(a)(2)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–102, 2–103, 2–105, and 2–107
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Chapter 12 of the Acts of the General Assembly of 2019
Section ~~7~~ 3, 4(a)(1), 7, and 12

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

Article – Alcoholic Beverages

1–304.

(a) A member of the Commission may not:

(1) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests, in the alcohol[,] **OR** tobacco[, or motor fuel] industries;

(2) have an official relationship to a person who holds a license or permit under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

(3) be an elected official;

(4) receive or share in, directly or indirectly, the receipts or proceeds of any activities conducted in the alcohol or tobacco industries;

(5) have a beneficial interest in any contract for the manufacture or sale of any device or product or the provision of any independent consulting services in connection with a holder of a license or permit issued under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article; or

(6) accept a contribution of money or property worth at least \$100 from an entity or individual associated with the alcohol or tobacco industries with respect to the regulation of alcohol or tobacco.

1 (b) A member of the Commission shall file a financial disclosure statement with
2 the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General
3 Provisions Article.

4 1-313.

5 (a) There is a Field Enforcement Division in the Office of the Executive Director.

6 (b) (1) The Field Enforcement Division may employ officers and employees as
7 provided in the State budget.

8 (2) The officers and employees of the Field Enforcement Division:

9 (i) shall be sworn police officers;

10 (ii) shall have the powers, duties, and responsibilities of peace
11 officers to enforce the provisions of this article relating to:

12 1. the unlawful importation of alcoholic beverages **AND**
13 **TOBACCO** into the State;

14 2. the unlawful manufacture of alcoholic beverages **AND**
15 **TOBACCO** in the State;

16 3. the transportation and distribution throughout the State
17 of alcoholic beverages **AND TOBACCO** that are manufactured illegally and on which any
18 alcoholic beverages taxes **OR TOBACCO TAXES** imposed by the State are due and unpaid;
19 and

20 4. the manufacture, sale, barter, transportation,
21 distribution, or other form of owning, handling, or dispersing alcoholic beverages **OR**
22 **TOBACCO** by any person not licensed or authorized under this article [or], provisions of the
23 Tax – General Article relating to alcoholic beverages **OR TOBACCO, OR PROVISIONS OF**
24 **THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO;** and

25 (iii) may make cooperative arrangements for and work and cooperate
26 with **THE OFFICE OF THE COMPTROLLER**, local State's Attorneys, sheriffs, bailiffs,
27 police, and other prosecuting and peace officers to enforce this article.

28 (c) The Field Enforcement Division:

29 (1) shall consult with and advise the local State's Attorneys and other law
30 enforcement officials and police officers regarding enforcement problems in their respective
31 jurisdictions; and

1 (2) may recommend changes to improve the administration of this article
2 **[and]**, provisions of the Tax – General Article relating to alcoholic beverages **AND**
3 **TOBACCO, AND PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO**
4 **TOBACCO.**

5 1–314.

6 The Executive Director may delegate authority under this article **[and]**, provisions
7 of the Tax – General Article relating to alcoholic beverages **AND TOBACCO, AND**
8 **PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO** to the
9 Division director to issue or refuse to issue licenses and permits.

10 1–315.

11 (a) Except as provided in subsection (b) of this section, the Executive Director
12 may delegate authority to conduct hearings on violations of this article or of any regulations
13 adopted under this article **[or]**, the provisions of the Tax – General Article relating to
14 alcoholic beverages **OR TOBACCO, OR THE PROVISIONS OF THE BUSINESS**
15 **REGULATION ARTICLE RELATING TO TOBACCO** to the Division director or any other
16 employee of the Executive Director’s office.

17 (b) The Division director or any other employee of the Executive Director’s office
18 delegated authority to conduct hearings under subsection (a) of this section:

19 (1) may not impose a penalty provided for under this article or a provision
20 of the Tax – General Article relating to alcoholic beverages; and

21 (2) shall report the findings and recommendations to the Executive
22 Director to take the action that the Executive Director considers appropriate.

23 1–317.

24 (a) The Executive Director shall:

25 (1) maintain a record of:

26 (i) each license issued or approved under this article **AND TITLES**
27 **16, 16.5, AND 16.7 OF THE BUSINESS REGULATION ARTICLE;** and

28 (ii) any revocation, suspension, or cancellation of a license and any
29 restriction imposed on a license with a brief explanation of the reason for the action; and

30 (2) allow any person to inspect the records at the Office of the Executive
31 Director during regular business hours.

1 (b) The records of licenses required under subsection (a) of this section and any
2 indices or dockets created to maintain the records:

3 (1) shall be retained for the later to occur of:

4 (i) 3 years after the date of the last record entry; or

5 (ii) the date on which all audit requirements have been complied
6 with; and

7 (2) may be destroyed after:

8 (i) the retention period in item (1) of this subsection has expired;
9 and

10 (ii) Title 10, Subtitle 6, Part III of the State Government Article has
11 been complied with.

12 **1-321.**

13 **(A) IN ORDER TO INCREASE EFFICIENCY AND ACCURACY IN THE**
14 **PERFORMANCE OF THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES UNDER THIS**
15 **ARTICLE AND OTHER LAWS RELATING TO ALCOHOL AND TOBACCO, THE**
16 **COMMISSION AND THE COMPTROLLER SHALL:**

17 **(1) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN**
18 **INVESTIGATIONS OF LICENSED PREMISES AND OTHER LOCATIONS AND MATERIALS**
19 **RELATING TO THE ENFORCEMENT OF THE ALCOHOL AND TOBACCO LAWS OF THE**
20 **STATE;**

21 **(2) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN**
22 **OTHER MATTERS RELATING TO THE MANUFACTURE, PROCESSING, IMPORTATION,**
23 **TAXATION, SALE, AND SERVICE OF ALCOHOL AND TOBACCO IN THE STATE; AND**

24 **(3) ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR**
25 **COOPERATIVE ACTIVITIES IN INSPECTIONS AND OTHER ENFORCEMENT ACTIVITIES**
26 **RELATING TO THE ALCOHOL AND TOBACCO LAWS OF THE STATE.**

27 **(B) THE COMMISSION MAY ENTER INTO MEMORANDA OF UNDERSTANDING**
28 **AND OTHER COOPERATIVE ARRANGEMENTS WITH FEDERAL, STATE, AND LOCAL**
29 **GOVERNMENTAL UNITS IN CARRYING OUT THIS ARTICLE AND OTHER ALCOHOL AND**
30 **TOBACCO LAWS OF THE STATE IN THE INTEREST OF REDUCING DUPLICATION OF**
31 **EFFORTS AND REDUCING THE OVERALL COSTS OF ADMINISTRATION OF INSPECTION**
32 **AND ENFORCEMENT PROGRAMS TO THE STATE.**

1 4-109.

2 (b) The application shall also include a statement executed and acknowledged by
3 the owner of the location where the business is to be conducted that:

4 (2) authorizes a warrantless inspection and search of the premises at any
5 time in any part of the building in which the business is to be conducted by:

6 (i) the Comptroller;

7 (ii) THE COMMISSION;

8 (III) the local licensing board and its authorized agents and
9 employees; or

10 ~~[(iii)]~~ (IV) a peace officer of the county or municipality where the
11 business is to be located.

12 6-101.

13 (c) (2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is
14 forfeited unless a protest is filed within 30 days after the publication under subparagraph
15 (ii) of this paragraph.

16 (ii) The Comptroller OR THE COMMISSION, AS APPROPRIATE:

17 1. if possible, shall notify the registered owner of the
18 property of the seizure; and

19 2. shall publish a notice:

20 A. in a newspaper of general circulation in the county where
21 the vehicle, vessel, or aircraft was seized; and

22 B. informing interested persons of the seizure and the right
23 to file a protest.

24 6-103.

25 A vehicle, a vessel, or an aircraft used with the express or implied knowledge or
26 consent of its owner to violate a provision of this article relating to the unlawful
27 manufacture of alcoholic beverages or to transport, store, or hide unlawful alcoholic
28 beverages:

29 (1) is contraband; and

30 (2) may be seized by:

1 (I) the Comptroller or the Comptroller's authorized enforcement
 2 officers; OR

3 (II) THE COMMISSION OR THE COMMISSION'S AUTHORIZED
 4 ENFORCEMENT OFFICERS; and

5 (3) MAY BE forfeited in accordance with this subtitle.

6 6-105.

7 (b) (3) If the court does not determine that a lienholder had knowledge, but
 8 the property is otherwise subject to forfeiture:

9 (i) the property shall be forfeited; and

10 (ii) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE
 11 COMMISSION, as the Comptroller OR EXECUTIVE DIRECTOR, AS APPROPRIATE,
 12 considers in the best interest of the State, may:

13 1. pay the outstanding indebtedness secured by the lien and
 14 keep the property; or

15 2. deliver the property to the lienholder.

16 6-107.

17 (a) Except as provided in subsection (c) of this section, forfeited property shall be
 18 retained for official use, sold, or otherwise disposed of by:

19 (1) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE
 20 COMMISSION, AS APPROPRIATE, if the property was seized by State officers; or

21 (2) if the property was not seized by State officers:

22 (i) the Mayor and City Council of Baltimore City; or

23 (ii) the board of county commissioners or the county council of the
 24 county in which the property was seized.

25 (b) The Comptroller, THE EXECUTIVE DIRECTOR OF THE COMMISSION, the
 26 Mayor and City Council of Baltimore City, or the board of county commissioners or county
 27 council in the county where the property was seized shall retain or dispose of the property
 28 in the way it considers to be in the best public interest.

1 (c) Illicit alcoholic beverages shall be destroyed and may not be returned or given
2 to any person or disposed of in any other manner.

3 6-108.

4 (b) The officer shall report the seizure and destruction conducted under this
5 section to the Field Enforcement Division of the [Comptroller's office] COMMISSION.

6 6-202.

7 (a) A building, vehicle, or premises where alcoholic beverages are authorized to
8 be kept, transported, manufactured, or sold under a license or permit may be inspected and
9 searched, without a warrant, by:

10 (1) the Comptroller or an authorized deputy, inspector, or clerk of the
11 Comptroller;

12 (2) THE EXECUTIVE DIRECTOR OF THE COMMISSION OR AN
13 AUTHORIZED DEPUTY, INSPECTOR, OR CLERK OF THE COMMISSION;

14 (3) the local licensing board of the county or city where the place of business
15 is located or an authorized agent or employee of the local licensing board; and

16 (3) (4) a peace officer of the county or city where the place of business is
17 located.

18 6-203.

19 To prevent and detect fraud by manufacturers, wholesalers, and retail dealers, the
20 [Comptroller] COMMISSION, the local licensing board, and an authorized deputy or
21 inspector of the [Comptroller] COMMISSION or the local licensing board:

22 (1) may use hydrometers, saccharometers, weighing and gauging
23 instruments, or other means, records, or devices to ascertain the quantity or quality of
24 alcohol in an alcoholic beverage as they consider necessary; and

25 (2) may adopt rules and regulations to establish a uniform system of
26 inspection, marking, and gauging of alcoholic beverages.

27 6-204.

28 (a) For a hearing or inquiry that the [Comptroller] COMMISSION or a local
29 licensing board may hold or make, the [Comptroller] COMMISSION or a local licensing
30 board may issue summonses for witnesses and administer oaths or affirmations to the
31 witnesses.

1 6-205.

2 (b) The powers and duties conferred on the Comptroller, THE COMMISSION, or
3 ANY other State official by this article do not relieve local officials from the duty of
4 enforcement or prosecution.

5 6-308.

6 (a) This section does not apply to a Class 4 limited winery that brings wine or
7 pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

8 (3) the limited winery or winery trade association complies with any
9 regulations that the [Comptroller] COMMISSION adopts relating to on-premises
10 promotions and product sampling;

11 6-328.

12 (a) A person may not:

13 (4) violate a regulation that the Comptroller OR THE COMMISSION adopts
14 under this article or the Tax – General Article.

15 Article – Criminal Procedure

16 2-101.

17 (a) In this title the following words have the meanings indicated.

18 (b) “Emergency” means a sudden or unexpected happening or an unforeseen
19 combination of circumstances that calls for immediate action to protect the health, safety,
20 welfare, or property of a person from actual or threatened harm or from an unlawful act.

21 (c) “Police officer” means a person who in an official capacity is authorized by law
22 to make arrests and is:

23 (1) a member of the Department of State Police;

24 (2) a member of the Police Department of Baltimore City;

25 (3) a member of the Baltimore City School Police Force;

26 (4) a member of the police department, bureau, or force of a county;

27 (5) a member of the police department, bureau, or force of a municipal
28 corporation;

1 (6) a member of the Maryland Transit Administration Police Force or
2 Maryland Transportation Authority Police Force;

3 (7) a member of the University System of Maryland Police Force or Morgan
4 State University Police Force;

5 (8) a special police officer who is appointed to enforce the law and maintain
6 order on or protect property of the State or any of its units;

7 (9) a member of the Maryland Capitol Police of the Department of General
8 Services;

9 (10) the sheriff of a county whose usual duties include the making of arrests;

10 (11) a regularly employed deputy sheriff of a county who is compensated by
11 the county and whose usual duties include the making of arrests;

12 (12) a member of the Natural Resources Police Force of the Department of
13 Natural Resources;

14 (13) an authorized employee of the Field Enforcement Bureau of the
15 Comptroller's Office;

16 (14) **AN AUTHORIZED MEMBER OF THE FIELD ENFORCEMENT**
17 **DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**

18 **(15)** a member of the Maryland–National Capital Park and Planning
19 Commission Park Police;

20 **[(15)] (16)** a member of the Housing Authority of Baltimore City Police
21 Force;

22 **[(16)] (17)** a member of the Crofton Police Department;

23 **[(17)] (18)** a member of the WMATA Metro Transit Police, subject to the
24 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area
25 Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

26 **[(18)] (19)** a member of the Intelligence and Investigative Division of the
27 Department;

28 **[(19)] (20)** a member of the State Forest and Park Service Police Force of
29 the Department of Natural Resources;

30 **[(20)] (21)** a member of the Washington Suburban Sanitary Commission
31 Police Force;

- 1 [(21)] **(22)** a member of the Ocean Pines Police Department;
- 2 [(22)] **(23)** a member of the police force of the Baltimore City Community
3 College;
- 4 [(23)] **(24)** a member of the police force of the Hagerstown Community
5 College;
- 6 [(24)] **(25)** an employee of the Warrant Apprehension Unit of the Division
7 of Parole and Probation in the Department;
- 8 [(25)] **(26)** a member of the police force of the Anne Arundel Community
9 College; or
- 10 [(26)] **(27)** a member of the police department of the Johns Hopkins
11 University established in accordance with Title 24, Subtitle 12 of the Education Article.

12 **Article – Public Safety**

13 3-101.

14 (e) (1) “Law enforcement officer” means an individual who:

15 (i) in an official capacity is authorized by law to make arrests; and

16 (ii) is a member of one of the following law enforcement agencies:

17 1. the Department of State Police;

18 2. the Police Department of Baltimore City;

19 3. the Baltimore City School Police Force;

20 4. the Baltimore City Watershed Police Force;

21 5. the police department, bureau, or force of a county;

22 6. the police department, bureau, or force of a municipal
23 corporation;

24 7. the office of the sheriff of a county;

25 8. the police department, bureau, or force of a bicounty
26 agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller's Office;

13. THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;

14. the Housing Authority of Baltimore City Police Force;

[14.] 15. the Crofton Police Department;

[15.] 16. the police force of the Maryland Department of Health;

[16.] 17. the police force of the Maryland Capitol Police of the Department of General Services;

[17.] 18. the police forces of the University System of Maryland;

[18.] 19. the police force of Morgan State University;

[19.] 20. the office of State Fire Marshal;

[20.] 21. the Ocean Pines Police Department;

[21.] 22. the police force of the Baltimore City Community College;

[22.] 23. the police force of the Hagerstown Community College;

[23.] 24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services;

[24.] 25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services;

[25.] 26. the police force of the Anne Arundel Community College; or

1 [26.] 27. the police department of the Johns Hopkins
2 University established in accordance with Title 24, Subtitle 12 of the Education Article.

3 3–201.

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

5 (b) “Commission” means the Maryland Police Training and Standards
6 Commission.

7 (c) “Department” means the Department of Public Safety and Correctional
8 Services.

9 (d) (1) “Law enforcement agency” means a governmental police force, sheriff’s
10 office, or security force or law enforcement organization of the State, a county, or a
11 municipal corporation that by statute, ordinance, or common law is authorized to enforce
12 the general criminal laws of the State.

13 (2) “Law enforcement agency” does not include members of the Maryland
14 National Guard who:

15 (i) are under the control and jurisdiction of the Military
16 Department;

17 (ii) are assigned to the military property designated as the Martin
18 State Airport; and

19 (iii) are charged with exercising police powers in and for the Martin
20 State Airport.

21 (e) “Motorcycle profiling” means the arbitrary use of the fact that an individual
22 rides a motorcycle or wears motorcycle–related clothing or paraphernalia as a factor in
23 deciding to stop, question, take enforcement action, arrest, or search the individual or
24 vehicle.

25 (f) (1) “Police officer” means an individual who:

26 (i) is authorized to enforce the general criminal laws of the State;
27 and

28 (ii) is a member of one of the following law enforcement agencies:

29 1. the Department of State Police;

30 2. the Police Department of Baltimore City;

31 3. the police department, bureau, or force of a county;

- 1 corporation;
- 2
- 3 4. the police department, bureau, or force of a municipal
- 4 5. the Maryland Transit Administration police force;
- 5 6. the Maryland Transportation Authority Police;
- 6 7. the police forces of the University System of Maryland;
- 7 8. the police force of Morgan State University;
- 8 9. the office of the sheriff of a county;
- 9 10. the police forces of the Department of Natural Resources;
- 10 11. the police force of the Maryland Capitol Police of the
Department of General Services;
- 11 12. the police force of a State, county, or municipal corporation
12 if the special police officers are appointed under Subtitle 3 of this title;
- 13 13. the Housing Authority of Baltimore City Police Force;
- 14 14. the Baltimore City School Police Force;
- 15 15. the Crofton Police Department;
- 16 16. the Washington Suburban Sanitary Commission Police
17 Force;
- 18 17. the Ocean Pines Police Department;
- 19 18. the police force of the Baltimore City Community College;
- 20 19. the police force of the Hagerstown Community College;
- 21 20. the parole and probation employees of the Warrant
22 Apprehension Unit of the Division of Parole and Probation in the Department who are
23 authorized to make arrests;
- 24 21. the police force of the Anne Arundel Community College;
25 or
- 26 22. the police department of the Johns Hopkins University
27 established in accordance with Title 24, Subtitle 12 of the Education Article.

1 (2) "Police officer" includes:

2 (i) a member of the Field Enforcement Bureau of the Comptroller's
3 Office;

4 (ii) **A MEMBER OF THE FIELD ENFORCEMENT DIVISION OF THE**
5 **ALCOHOL AND TOBACCO COMMISSION;**

6 (iii) the State Fire Marshal or a deputy State fire marshal;

7 [(iii)] (iv) an investigator of the Intelligence and Investigative
8 Division of the Department;

9 [(iv)] (v) a Montgomery County fire and explosive investigator as
10 defined in § 2-208.1 of the Criminal Procedure Article;

11 [(v)] (vi) an Anne Arundel County or City of Annapolis fire and
12 explosive investigator as defined in § 2-208.2 of the Criminal Procedure Article;

13 [(vi)] (vii) a Prince George's County fire and explosive investigator
14 as defined in § 2-208.3 of the Criminal Procedure Article;

15 [(vii)] (viii) a Worcester County fire and explosive investigator as
16 defined in § 2-208.4 of the Criminal Procedure Article;

17 [(viii)] (ix) a City of Hagerstown fire and explosive investigator as
18 defined in § 2-208.5 of the Criminal Procedure Article; and

19 [(ix)] (x) a Howard County fire and explosive investigator as
20 defined in § 2-208.6 of the Criminal Procedure Article.

21 (3) "Police officer" does not include:

22 (i) an individual who serves as a police officer only because the
23 individual occupies another office or position;

24 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
25 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of
26 police, or another individual with an equivalent title who is appointed or employed by a
27 government to exercise equivalent supervisory authority; or

28 (iii) a member of the Maryland National Guard who:

29 1. is under the control and jurisdiction of the Military
30 Department;

1 2. is assigned to the military property designated as the
2 Martin State Airport; and

3 3. is charged with exercising police powers in and for the
4 Martin State Airport.

5 (g) “SWAT team” means an agency–designated unit of law enforcement officers
6 who are selected, trained, and equipped to work as a coordinated team to resolve critical
7 incidents that are so hazardous, complex, or unusual that they may exceed the capabilities
8 of first responders or investigative units.

9 **Article – State Personnel and Pensions**

10 8–301.

11 (a) Except as provided in subsection (b) of this section, in § 8–309 of this subtitle,
12 or otherwise by law, this subtitle applies to all employees over whom the Secretary has
13 authority to administer pay.

14 (b) This subtitle does not apply to a law enforcement employee of:

15 **(1) the Field Enforcement Bureau of the State Comptroller’s Office; OR**

16 **(2) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND**
17 **TOBACCO COMMISSION.**

18 26–201.

19 (a) Except as provided in subsection (b) of this section, this subtitle applies only
20 to:

21 (2) a law enforcement officer employed by:

22 **(I) the Field Enforcement Bureau; OR**

23 **(II) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL**
24 **AND TOBACCO COMMISSION;**

25 **Article – Tax – General**

26 2–102.

27 **(A)** In addition to the duties set forth elsewhere in this article and in other articles
28 of the Code, the Comptroller shall administer the laws that relate to:

29 (1) the admissions and amusement tax;

- 1 (2) [the alcoholic beverage tax;
- 2 (3)] the boxing and wrestling tax;
- 3 [[4)] (3) the income tax;
- 4 [[5)] (4) the Maryland estate tax;
- 5 [[6)] (5) the Maryland generation–skipping transfer tax;
- 6 [[7)] (6) the motor carrier tax;
- 7 [[8)] (7) the motor fuel tax;
- 8 [[9)] (8) the sales and use tax; AND
- 9 [[10)] (9) the savings and loan association franchise tax]; and
- 10 (11) the tobacco tax].

11 **(B) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL**
 12 **AND TOBACCO COMMISSION, AND IN ADDITION TO THE DUTIES SET FORTH**
 13 **ELSEWHERE IN THIS ARTICLE AND IN OTHER ARTICLES OF THE CODE, THE**
 14 **COMPTROLLER SHALL ADMINISTER THE LAWS THAT RELATE TO:**

15 **(1) THE ALCOHOLIC BEVERAGE TAX; AND**

16 **(2) THE TOBACCO TAX.**

17 2–103.

18 The Comptroller shall adopt reasonable regulations:

19 **(1) to administer the provisions of the tax laws listed in [§ 2–102] §**
 20 **2–102(A) of this subtitle; AND**

21 **(2) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE**
 22 **ALCOHOL AND TOBACCO COMMISSION, TO ADMINISTER THE PROVISIONS OF THE**
 23 **TAX LAWS LISTED IN § 2–102(B) OF THIS SUBTITLE.**

24 2–105.

25 (a) The Comptroller shall design the license form required for:

1 (1) the motor fuel tax laws; and

2 (2) the sales and use tax laws.

3 (b) The Comptroller:

4 (1) shall determine:

5 (i) the design of tax stamps and certificates required for the
6 alcoholic beverage tax and for the tobacco tax; and

7 (ii) the form of any other evidence of tax payment; and

8 (2) may adopt any other method or device that the Comptroller considers
9 necessary to:

10 (i) prevent fraud or evasion of the alcoholic beverage tax; or

11 (ii) comply with any restrictions that the federal government
12 imposes on alcoholic beverages during a war or an emergency.

13 (c) **[The] IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE**
14 **ALCOHOL AND TOBACCO COMMISSION, THE** Comptroller:

15 (1) shall provide tax stamps and certificates to indicate that the alcoholic
16 beverage tax or tobacco tax has been paid; and

17 (2) may adopt reasonable regulations to prevent abuse but ensure the
18 adequate availability of tax stamps and certificates, including regulations that:

19 (i) limit excessive disbursement of tax stamps and certificates; and

20 (ii) require proof of need for tax stamps and certificates.

21 2-107.

22 (a) Authorized employees of the Field Enforcement Bureau of the Comptroller's
23 Office:

24 (1) shall be individuals who are sworn police officers; and

25 (2) have all the powers, duties, and responsibilities of a peace officer for the
26 purpose of enforcing the laws pertaining to:

27 (i) admissions and amusement tax;

28 (ii) [alcoholic beverage tax;

1 (iii)] income tax;

2 [(iv)] (III) motor carrier tax;

3 [(v)] (IV) motor fuel and lubricants;

4 [(vi)] (V) motor fuel tax;

5 [(vii)] (VI) sales and use tax;

6 [(viii) tobacco tax; and]

7 [(ix)] (VII) transient vendors within the meaning of Title 17, Subtitle
8 20A of the Business Regulation Article; AND

9 (VIII) IN COOPERATION WITH THE AUTHORIZED EMPLOYEES OF
10 THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO
11 COMMISSION:

12 1. ALCOHOLIC BEVERAGE TAX; AND

13 2. TOBACCO TAX.

14 (b) (1) The Department of State Police shall help the Field Enforcement
15 Bureau in enforcing the motor carrier tax, motor fuel tax and motor fuel and lubricants
16 laws.

17 (2) The Comptroller shall pay the salaries and expenses of all Department
18 of State Police staff assigned to the Field Enforcement Bureau.

19 (c) (1) (i) Except for the Sheriff, constables and bailiffs of Baltimore
20 County, each law enforcement officer shall enforce the alcoholic beverage tax and tobacco
21 tax laws.

22 (ii) A State's Attorney or other prosecutor may prosecute alleged
23 violations of the alcoholic beverage tax or tobacco tax laws.

24 (2) The Field Enforcement Bureau OF THE COMPTROLLER'S OFFICE
25 AND THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO
26 COMMISSION:

27 (i) shall advise a State's Attorney and law enforcement officers
28 about enforcement problems; and

1 (ii) otherwise may work cooperatively with law enforcement officers
2 and prosecutors to carry out the duties of the unit.

3 (3) This subsection does not restrict the appropriation of money by a
4 political subdivision of the State to aid in the enforcement of the alcoholic beverage tax and
5 tobacco tax laws.

6 (d) (1) Each unit of the State government shall cooperate with the
7 Comptroller's Office by making available, on request, any information in the unit's
8 possession as may be of assistance in the administration and enforcement of the motor
9 carrier tax, motor fuel tax, and motor fuel and lubricants laws.

10 (2) The Field Enforcement Bureau shall cooperate with and help the
11 federal government, other states, and local governments and law enforcement personnel of
12 those jurisdictions to enforce the motor carrier tax, motor fuel tax, and motor fuel and
13 lubricants laws.

14 (e) On or before October 1 each year, the [Comptroller's Office] **EXECUTIVE**
15 **DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION** shall report to the General
16 Assembly, in accordance with § 2-1257 of the State Government Article, on:

17 (1) the aggregate number of licensed tobacco retailers that committed a
18 violation of § 10-107 of the Criminal Law Article and the aggregate number of minors who
19 committed a violation of [§ 10-108] **§ 10-107** of the Criminal Law Article during the
20 reporting period;

21 (2) the number of prior violations for licensed tobacco retailers and minors
22 that committed a violation during the reporting period; and

23 (3) the subsequent action taken by the [Comptroller's Office] **EXECUTIVE**
24 **DIRECTOR** against each violator and, for each action taken, the number of violations
25 committed by the violator.

26 Chapter 12 of the Acts of 2019

27 SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the
28 members of the Alcohol and Tobacco Commission appointed under Section 1 of this Act
29 shall expire as follows:

30 (1) one member on June 30, [2021] 2022;

31 (2) one member on June 30, [2022] 2023;

32 (3) one member on June 30, [2023] 2024; and

33 (4) two members on June 30, [2024] 2025.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, as provided in this Act:

2 (a) It is the intent of the General Assembly that:

3 (1) the transfer of the Field Enforcement Division and the personnel of the
4 Division to the Alcohol and Tobacco Commission under this Act shall take effect not later
5 than [July] JANUARY 1, [2020] 2021;

6 SECTION 7. AND BE IT FURTHER ENACTED, That all persons who, as of [June
7 30] ~~MAY DECEMBER 31~~, 2020, are employees in budgeted positions of the Office of the
8 Comptroller and whose positions are transferred to the Office of the Executive Director of
9 the Alcohol and Tobacco Commission as provided by this Act are hereby transferred to the
10 Office of the Executive Director of the Alcohol and Tobacco Commission without any change
11 or loss of rights pay, working conditions, benefits, rights, or status, and shall retain any
12 merit system and retirement status they may have on the date of transfer.

13 SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 [June] JANUARY 1, [2020] 2021.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
16 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.