A BILL ENTITLED

AN ACT concerning

Prince George’s County – Cigarettes and Other Tobacco Products – Licensing Conditions

FOR the purpose of establishing licensing conditions for applicants for certain county licenses to sell cigarettes or other tobacco products in Prince George’s County; and generally relating to licenses for the sale of cigarettes and other tobacco products in Prince George’s County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 1–101(a) and (bb)
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation
Section 16–101, 16–201(a), (b), and (d), and 16.5–101(a), (b), (d), (f), (l), (s), and (t)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation
Section 16–302 and 16.5–203(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY adding to

Article – Business Regulation
Section 16.5–203.1
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

1 1–101.

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

(bb) (1) “Retail dealer” means a person that sells an alcoholic beverage to any person other than a license holder.

(2) “Retail dealer” includes a county dispensary.

Article – Business Regulation


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

(b) “Cigarette” means any size or shaped roll for smoking that is made of tobacco or tobacco mixed with another ingredient and wrapped in paper or in any other material except tobacco.

(c) “County license” means a license issued by the clerk to sell cigarettes at retail in a county.

(d) “Executive Director” means the Executive Director of the Alcohol and Tobacco Commission.

(e) “Sell” means to exchange or transfer, or to agree to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.

(f) (1) “Sell cigarettes at retail” means to sell cigarettes to a consumer.

(2) “Sell cigarettes at retail” includes selling cigarettes through a vending machine.

16 16–201.

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

(b) “License” means:

(1) a license issued by the Executive Director under § 16–205(a) of this subtitle to:
(i) act as a manufacturer;
(ii) act as a subwholesaler;
(iii) act as a vending machine operator;
(iv) act as a wholesaler; or
(v) act as a storage warehouse; or

(2) a license issued by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of this subtitle to act as a retailer.

For each county license, an applicant shall:

(1) submit an application to the clerk; and

(2) pay to the clerk a license fee of:

(i) $25 in a county other than Cecil County or Montgomery County;
(ii) $50 in Cecil County; or
(iii) $125 in Montgomery County.

From each license fee collected under subsection (a) of this section, the Clerk of the Circuit Court for Montgomery County shall distribute:

(i) $25 to the Executive Director; and

(ii) $100 to Montgomery County to be used to enforce existing laws banning the sale or distribution of tobacco or tobacco products to individuals under the age of 21 years.

Funds distributed under paragraph (1)(ii) of this subsection may not be used to supplant existing funding for the enforcement of laws banning the sale or distribution of tobacco or tobacco products to individuals under the age of 21 years.

(C) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.
(2) To qualify for a county license under this section, an applicant shall submit to the clerk a signed affirmation that:

(I) The applicant does not hold an alcoholic beverages license to act as a retail dealer issued under Title 26 of the Alcoholic Beverages Article; and

(II) The establishment from which the applicant will sell cigarettes at retail is not located within 1 mile of the establishment of:

1. Another licensed retailer; or

2. A retail dealer, as defined in § 1–101 of the Alcoholic Beverages Article.

16.5–101.

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

(b) “County license” means a license issued by the clerk to sell other tobacco products at retail in a county.

(d) “License” means:

(1) a license issued by the Executive Director under § 16.5–204(a) of this title to:

(i) act as a licensed other tobacco products manufacturer;

(ii) act as an other tobacco products wholesaler; or

(iii) act as an other tobacco products storage warehouse; or

(2) a license issued by the clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer or a tobacconist.

(f) “Licensed other tobacco products retailer” means a person licensed by the clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer.

(l) “Other tobacco products retailer” means a person who:

(1) sells other tobacco products to consumers; or

(2) holds other tobacco products for sale to consumers.
(s) “Sell other tobacco products at retail” means to sell other tobacco products to a consumer.

(t) “Tobacconist” means an other tobacco products business that derives at least 70% of its revenues, measured by average daily receipts, from the sale of other tobacco products and tobacco-related accessories.

16.5–203.

(b) (1) [An] SUBJECT TO § 16.5–203.1 OF THIS SUBTITLE, AN applicant for a license to act as an other tobacco products retailer or a tobacconist:

(i) shall obtain a county license by submitting to the clerk an application for each permanent or temporary place of business located in the same enclosure and operated by the same applicant; and

(ii) except as provided in paragraph (2) of this subsection, shall pay to the clerk a fee of $15.

(2) A person who has a license issued under Title 16 of this article to act as a cigarette retailer or to act as a special cigarette retailer is not required to pay the license fee.

(3) The application shall:

(i) be made on the form that the clerk requires; and

(ii) contain the information that the Executive Director requires.

16.5–203.1.

(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

(B) TO QUALIFY FOR A COUNTY LICENSE UNDER § 16.5–203 OF THIS SUBTITLE, AN APPLICANT SHALL SUBMIT TO THE CLERK A SIGNED AFFIRMATION THAT:

(1) THE APPLICANT DOES NOT HOLD AN ALCOHOLIC BEVERAGES LICENSE TO ACT AS A RETAIL DEALER ISSUED UNDER TITLE 26 OF THE ALCOHOLIC BEVERAGES ARTICLE; AND

(2) THE ESTABLISHMENT FROM WHICH THE APPLICANT WILL SELL OTHER TOBACCO PRODUCTS IS NOT LOCATED WITHIN 1 MILE OF THE ESTABLISHMENT OF:
(I) A LICENSED OTHER TOBACCO PRODUCTS RETAILER OR TOBACCONIST; OR

(II) A RETAIL DEALER, AS DEFINED IN § 1–101 OF THE ALCOHOLIC BEVERAGES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.