

# HOUSE BILL 789

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By: **Delegate Harrison**

Introduced and read first time: February 3, 2022

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Cigarettes and Other Tobacco Products – Licensing**  
3 **Conditions**

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

8 BY repealing and reenacting, without amendments,

9 Article – Alcoholic Beverages

10 Section 1–101(a) and (bb)

11 Annotated Code of Maryland

12 (2016 Volume and 2021 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Business Regulation

15 Section 16–101, 16–201(a), (b), and (d), and 16.5–101(a), (b), (d), (f), (l), (s), and (t)

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Business Regulation

20 Section 16–302 and 16.5–203(b)

21 Annotated Code of Maryland

22 (2015 Replacement Volume and 2021 Supplement)

23 BY adding to

24 Article – Business Regulation

25 Section 16.5–203.1

26 Annotated Code of Maryland

27 (2015 Replacement Volume and 2021 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Alcoholic Beverages**

4 1–101.

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

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

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

9 **Article – Business Regulation**

10 16–101.

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

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

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

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

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

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

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

24 16–201.

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

26 (b) “License” means:

27 (1) a license issued by the Executive Director under § 16–205(a) of this  
28 subtitle to:

- 1 (i) act as a manufacturer;
- 2 (ii) act as a subwholesaler;
- 3 (iii) act as a vending machine operator;
- 4 (iv) act as a wholesaler; or
- 5 (v) act as a storage warehouse; or
- 6 (2) a license issued by the clerk under § 16–205(b) of this subtitle to act as  
7 a retailer.

8 (d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of  
9 this subtitle to act as a retailer.  
10 16–302.

- 11 (a) For each county license, an applicant shall:
- 12 (1) submit an application to the clerk; and
- 13 (2) pay to the clerk a license fee of:
- 14 (i) \$25 in a county other than Cecil County or Montgomery County;
- 15 (ii) \$50 in Cecil County; or
- 16 (iii) \$125 in Montgomery County.

17 (b) (1) From each license fee collected under subsection (a) of this section, the  
18 Clerk of the Circuit Court for Montgomery County shall distribute:

19 (i) \$25 to the Executive Director; and

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

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

26 (c) (1) **THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

1           **(2) TO QUALIFY FOR A COUNTY LICENSE UNDER THIS SECTION, AN**  
2 **APPLICANT SHALL SUBMIT TO THE CLERK A SIGNED AFFIRMATION THAT:**

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

6           **(II) THE ESTABLISHMENT FROM WHICH THE APPLICANT WILL**  
7 **SELL CIGARETTES AT RETAIL IS NOT LOCATED WITHIN 1 MILE OF THE**  
8 **ESTABLISHMENT OF:**

9                           **1. ANOTHER LICENSED RETAILER; OR**

10                           **2. A RETAIL DEALER, AS DEFINED IN § 1-101 OF THE**  
11 **ALCOHOLIC BEVERAGES ARTICLE.**

12 16.5-101.

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

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

16           (d) “License” means:

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

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

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

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

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

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

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

27   (1) sells other tobacco products to consumers; or

28   (2) holds other tobacco products for sale to consumers.

1 (s) "Sell other tobacco products at retail" means to sell other tobacco products to  
2 a consumer.

3 (t) "Tobacconist" means an other tobacco products business that derives at least  
4 70% of its revenues, measured by average daily receipts, from the sale of other tobacco  
5 products and tobacco-related accessories.

6 16.5-203.

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

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

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

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

17 (3) The application shall:

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

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

20 **16.5-203.1.**

21 **(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

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

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

28 **(2) THE ESTABLISHMENT FROM WHICH THE APPLICANT WILL SELL**  
29 **OTHER TOBACCO PRODUCTS IS NOT LOCATED WITHIN 1 MILE OF THE**  
30 **ESTABLISHMENT OF:**

1                           **(I) A LICENSED OTHER TOBACCO PRODUCTS RETAILER OR**  
2 **TOBACCONIST; OR**

3                           **(II) A RETAIL DEALER, AS DEFINED IN § 1-101 OF THE**  
4 **ALCOHOLIC BEVERAGES ARTICLE.**

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