

HOUSE BILL 777

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3lr2899
CF SB 541

By: **The Speaker (By Request – Office of the Attorney General)**

Introduced and read first time: February 8, 2023

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cigarettes – Wholesalers – Disclosure of Information**

3 FOR the purpose of requiring each licensed cigarette wholesaler to submit complete and
4 accurate information in the form and manner the Comptroller requires to facilitate
5 compliance with certain provisions of law relating to cigarettes; authorizing the
6 Attorney General to impose a certain civil penalty for a violation; and generally
7 relating to licensed wholesalers and the Alcohol and Tobacco Commission.

8 BY repealing and reenacting, with amendments,

9 Article – Business Regulation

10 Section 16–506(a) and (b)(1) and 16–507(a)

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2022 Supplement)

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

15 **Article – Business Regulation**

16 16–506.

17 (a) (1) Not later than 21 days after the end of each calendar quarter, and more
18 frequently if so directed by the Comptroller, each licensed wholesaler shall submit
19 **COMPLETE AND ACCURATE** information in the form and manner the Comptroller requires
20 to facilitate compliance with this [subtitle] **TITLE**, including a list by brand family of the
21 total number of cigarettes, or in the case of roll–your–own cigarettes, the equivalent stick
22 count for which the licensed wholesaler affixed stamps during the previous calendar
23 quarter or otherwise paid the tax due for the cigarettes.

24 (2) The licensed wholesaler shall maintain and make available to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Comptroller for a period of 5 years all invoices and documentation of sales of all
2 nonparticipating manufacturer cigarettes and any other information relied on in reporting
3 to the Comptroller.

4 (b) (1) The Comptroller may disclose to the Attorney General and the
5 Executive Director any information received under this subtitle and requested by the
6 Attorney General or the Executive Director for purposes of determining compliance with
7 and enforcement of the provisions of this [subtitle] TITLE.

8 16-507.

9 (a) (1) In addition to or instead of any other civil or criminal remedy provided
10 by law, on a determination that a licensed wholesaler has violated § 16-504(c) or §
11 16-506(a) of this subtitle or any regulation adopted under this subtitle, the Executive
12 Director may revoke or suspend the license of any licensed wholesaler in the manner
13 provided under §§ 16-211 and 16-212 of this title.

14 (2) Each stamp affixed and each offer to sell cigarettes in violation of §
15 16-504(c) of this subtitle shall constitute a separate violation.

16 (3) The Executive Director may also impose a civil penalty in an amount
17 not to exceed the greater of 500% of the retail value of the cigarettes sold or \$5,000 on a
18 determination of violation of § 16-504(c) of this subtitle or any regulations adopted under
19 that section.

20 (4) (I) IN ADDITION TO OR INSTEAD OF ANY OTHER CIVIL OR
21 CRIMINAL REMEDY PROVIDED BY LAW, ON A DETERMINATION THAT A LICENSED
22 WHOLESALER HAS VIOLATED § 16-506(A) OF THIS SUBTITLE THE ATTORNEY
23 GENERAL, ON BEHALF OF THE COMPTROLLER OR THE EXECUTIVE DIRECTOR, MAY
24 IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

25 (II) FOR PURPOSES OF THIS PARAGRAPH, EACH INCOMPLETE
26 OR INACCURATE SUBMISSION IN VIOLATION OF § 16-506(A) OF THIS SUBTITLE
27 SHALL CONSTITUTE A SEPARATE VIOLATION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.