

HB1000 - 2.pdf

Uploaded by: Kirk McCauley

Position: FWA



WMDA/CAR Service Station and Automotive Repair Association

February 27, 2023

Chair: Melony Griffith
Members of Senate Finance Committee

RE: HB1000 – Alcohol and Tobacco Commission Updates
Position: Favorable with Amendments

WMDA members are all in on stricter enforcement, but this bill authorizes searches without warrant and no criteria for enactment. Seasoned law enforcement looking for felons cannot do this. There should be rules in place to authorize this unprecedented authority and input from stakeholders.

- What is the protocol for initiating a search of premises without a warrant?
- On some location I represent, convenience stores and service stations, operate out of a locked building, at certain hours for safety. How would that work?
- What happens when owners are not present, and storerooms or tobacco storage is locked is locked?
- Maryland department of Health is already authorized to conduct inspections, authorizing them to do searches without a warrant is another matter altogether. So many questions about the qualifications and safety of both the searchers and the ones being searched.

There are too many unanswered questions to pass this bill as is, WMDA is all for better enforcement and would like to be part of discussion on steps to obtain that goal. Amending by striking language to allow warrantless searches of entire premises

WMDA/CAR is a trade association that has represented service stations, convenience stores and independent repair shops since 1937. Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.net

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Uploaded by: Mike O'Halloran

Position: FWA



Mid-Atlantic Petroleum Distributors Association
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TO: Senate Finance Committee

FROM: Mid-Atlantic Petroleum Distributors Association (MAPDA)

DATE: March 29, 2023

RE: **HOUSE BILL 1000** – Alcohol and Tobacco Commission – Updates

Since 1946, MAPDA has been the association for convenience stores and energy distributors. Through gas, coffee, food, heating oil, and propane, our members feed and fuel Maryland, Delaware, and the District of Columbia's economies.

House Bill 1000 as amended and passed by the House of Delegates, would allow a health department official or the Executive Director of the Alcohol and Tobacco Commission (ATC) to conduct an unannounced and warrantless search of a licensed cigarette and tobacco retailer (e.g. convenience stores). MAPDA objects to this provision and requests it be amended out.

MAPDA is concerned with this new broad authority. Would these officials be allowed to search employee lockers or personal items? Does the owner have to be present or notified at the time of the search? Are there limitations to this warrantless authority? Does the employer have any liability to notify employees the premises is subject to warrantless searches?

For these reasons, **MAPDA requests an amendment to remove language allowing health department officials and the ATC Executive Director to conduct warrantless searches of the entire premises of tobacco and cigarette retailers.**

Feeding and fueling the economy through gas, coffee, food, heating oil and propane.

MAPDA is an association of convenience stores and energy distributors in Maryland, Delaware & the District of Columbia.