

matical errors in said existing sections of the Unfair Cigarette Sales Act, and to further provide that present licensees shall be allowed to renew such licenses.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Sections 116, 117(g), 118, and 119(a), (c) and (d) of Article 83 of the Annotated Code of Maryland (1965 Replacement Volume), title "Sales and Notices" subtitle "Unfair Cigarette Sales Act" be and they are hereby repealed and re-enacted with amendments, that Section 117(c) of said Article and subtitle of the Code, be and it is hereby repealed and that new Section 117(c) be and it is hereby enacted in lieu thereof, to stand in the place of the Section repealed, and all to read as follows:*

116.

No retailer or wholesaler, with intent to injure a competitor or competitors, or with intent to destroy or substantially lessen competition, shall sell at retail or wholesale cigarettes at less than cost [to] of the retailer or wholesaler, as the case may be, *and no retailer shall purchase from a wholesaler, cigarettes at less than cost of the wholesaler, either directly or indirectly by any means or devise whatever, including but not limited to offering or accepting or inducing or attempting to induce a rebate in price [of] or a concession of any kind in connection with the sale or purchase of cigarettes.*

117.

[(c) "Wholesaler" included any person in the business of making sales of cigarettes at wholesale in this State whether such cigarettes have been purchased directly from the manufacturer or from any other person.]

(c) "*Wholesaler*" shall include any person who:

(1) *purchases cigarettes directly from the manufacturer; or*

(2) *as "sub-wholesaler" purchases cigarettes from wholesalers who buy directly from the manufacturer, and who, as such "sub-wholesaler," acquires such cigarettes solely for the purpose of bona fide resale to retail dealers (other than ones owned, affiliated or controlled, directly or indirectly, by the sub-wholesaler), and who, as such "sub-wholesaler," services such retail outlets by the maintenance of an established place of business for the sale of cigarettes, including, but not limited to, the maintenance of warehouse facilities, adequate inventory, proper accounting records and necessary equipment and vehicles for the storage and distribution of cigarettes.*

(g) "*Sell cigarettes at wholesale,*" "*wholesale sales of cigarettes,*" "*sales of cigarettes at wholesale,*" and similar expressions include any sale whereby cigarettes are sold for a valuable consideration, in the ordinary course of trade or in the usual conduct of the seller's business to a retailer (other than a vending machine operator or sub-wholesaler as herein defined) for the bona fide purpose of resale, and include any such transfer of cigarettes on consignment or otherwise where title is retained by the seller as security for the payment of the purchase price.