

REVISOR'S NOTE: This subsection is new language derived without substantive change from the parenthetical phrase which presently appears in Art. 83, §118(a).

Reference to the "per unit" cost is added to conform to the similar language of Art. 83, §112(c) of the Unfair Sales Act, now §11-401(e).

(H) RETAILER.

(1) "RETAILER" INCLUDES ANY PERSON ENGAGED IN THE BUSINESS OF MAKING RETAIL SALES OF CIGARETTES WITHIN THE STATE AT A STORE, STAND, BOOTH, OR CONCESSION, THROUGH VENDING MACHINES, OR OTHERWISE.

(2) IF THE PERSON IS ENGAGED IN THE BUSINESS OF MAKING BOTH RETAIL SALES OF CIGARETTES AND WHOLESALE SALES OF CIGARETTES, THE WORD ONLY APPLIES TO THE RETAIL SALES OF CIGARETTES PORTION OF THE BUSINESS.

REVISOR'S NOTE: Paragraph (1) of this subsection presently appears as Art. 83, §117(b).

Paragraph (2) of this subsection is new language derived without substantive change from Art. 83, §119(b).

The only other changes are in style.

(I) RETAIL SALE OF CIGARETTES.

"RETAIL SALE OF CIGARETTES" INCLUDES ANY SALE WHEREBY CIGARETTES ARE SOLD FOR A VALUABLE CONSIDERATION, INCLUDING AN EXCHANGE OR BARTER AND A SALE THROUGH A VENDING MACHINE, MADE IN THE ORDINARY COURSE OF TRADE OR THE USUAL CONDUCT OF THE SELLER'S BUSINESS TO A PURCHASER FOR CONSUMPTION OR USE OTHER THAN RESALE.

REVISOR'S NOTE: This subsection presently appears as Art. 83, §117(f).

The presently defined phrases "sell cigarettes at retail" and "sale of cigarettes at retail" and the reference to "similar expressions" are deleted as unnecessary in light of the consistent use in this subtitle of the phrase "retail sale of cigarettes."

The only other changes are in style.

The Commission is not certain whether the absence in this definition of a provision like