

(L) WHOLESALE SALE OF CIGARETTES.

(1) "WHOLESALE SALE OF CIGARETTES" INCLUDES ANY SALE WHEREBY CIGARETTES ARE SOLD FOR A VALUABLE CONSIDERATION, MADE IN THE ORDINARY COURSE OF TRADE OR IN THE USUAL CONDUCT OF THE SELLER'S BUSINESS TO A RETAILER, OTHER THAN TO A VENDING MACHINE OPERATOR OR TO A SUB-WHOLESALE DESCRIBED IN SUBSECTION (M)(2) OF THIS SECTION, FOR THE BONA FIDE PURPOSE OF RESALE.

(2) "WHOLESALE SALE OF CIGARETTES" INCLUDES ANY TRANSFER OF CIGARETTES ON CONSIGNMENT OR OTHERWISE, WHEREBY TITLE IS RETAINED BY THE SELLER AS SECURITY FOR THE PAYMENT OF THE PURCHASE PRICE.

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

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

The only other changes are in style.

(M) WHOLESALER.

(1) "WHOLESALER" MEANS A PERSON WHO PURCHASES CIGARETTES DIRECTLY FROM A MANUFACTURER.

(2) "WHOLESALER" INCLUDES A PERSON, WHO, AS A SUB-WHOLESALE:

(i) PURCHASES CIGARETTES FROM ANOTHER WHOLESALER SOLELY FOR THE PURPOSE OF BONA FIDE RESALE TO RETAILERS OTHER THAN THOSE DIRECTLY OR INDIRECTLY OWNED, AFFILIATED, OR CONTROLLED BY HIM; AND

(ii) SERVICES THE RETAILERS BY MAINTAINING AN ESTABLISHED PLACE OF BUSINESS FOR THE SALE OF CIGARETTES, INCLUDING WAREHOUSE FACILITIES, ADEQUATE INVENTORY, PROPER ACCOUNTING RECORDS, AND NECESSARY EQUIPMENT AND VEHICLES FOR THE STORAGE AND DISTRIBUTION OF CIGARETTES.

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

REVISOR'S NOTE: Paragraphs (1) and (2) of this subsection presently appear as Art. 83, §117(c). Paragraph (3) of this subsection is