

(B) PROHIBITION ON PURCHASE.

A RETAILER MAY NOT PURCHASE CIGARETTES FROM A WHOLESALER AT A COST WHICH DIRECTLY OR INDIRECTLY IS LESS THAN THE COST TO THE WHOLESALER BY ANY MEANS, INCLUDING OFFERING, ACCEPTING, INDUCING, OR ATTEMPTING TO INDUCE A REBATE IN PRICE OR A CONCESSION OF ANY KIND IN CONNECTION WITH THE SALE OR PURCHASE OF CIGARETTES.

REVISOR'S NOTE: This section presently appears as Art. 83, §116.

In subsection (b) of this section, the phrase "but not limited to" is deleted as unnecessary, since use of the word "including" is not intended in any sense to be exclusionary or limiting. The maxim of expressio unius est exclusio alterius and doctrines of similar implication are not intended, therefore, to be made applicable by reason of this deletion.

The only other changes are in style.

11-505. COMBINATION SALES AND CONCESSIONS.

(A) PROHIBITION.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A RETAILER OR WHOLESALER WITH INTENT TO INJURE A COMPETITOR OR TO DESTROY OR SUBSTANTIALLY LESSEN COMPETITION MAY NOT:

(1) SELL CIGARETTES IN COMBINATION WITH ANY OTHER ITEM OF MERCHANDISE IF THE OTHER ITEM IS GIVEN FREE OF CHARGE OR SOLD AT A PRICE BELOW ITS COST TO THE RETAILER OR ITS COST TO THE WHOLESALER, RESPECTIVELY, AS DEFINED IN SUBTITLE 4 OF THIS TITLE;

(2) SELL CIGARETTES IN COMBINATION WITH ANY OTHER ITEM OF MERCHANDISE IF THE TOTAL SALE PRICE FOR THE CIGARETTES AND ALL OTHER ITEMS INCLUDED IN THE SALE IS LESS THAN THE SUM OF:

(i) THE COST TO THE RETAILER OR THE COST TO THE WHOLESALER, RESPECTIVELY, OF THE CIGARETTES; AND

(ii) THE COST TO THE RETAILER OR THE COST TO THE WHOLESALER, RESPECTIVELY, AS DEFINED IN SUBTITLE 4 OF THIS TITLE, OF ALL OTHER ITEMS INCLUDED IN THE SALE, INCLUDING ITEMS GIVEN FREE OF CHARGE IN CONNECTION WITH THE SALE;

(3) GIVE CIGARETTES FREE OF CHARGE, EXCEPT IN