

"Wholesaler" means a person who sells a commodity, except a producer or retailer.

11-102. Subtitle inapplicable to certain contracts.

As to sale or resale prices, this subtitle does not apply to a contract:

- (1) Between or among producers or distributors; or
- (2) Except as provided by §11-104(b)(3) and (4), between or among wholesalers or between or among retailers.

11-103. Persons who may establish minimum resale price.

Only the owner of the trademark, brand, or name used in connection with the commodity or a distributor specifically authorized by the owner may establish a minimum resale price for a commodity in a contract entered into under this subtitle.

11-104. Contract relating to resale of commodities at minimum price.

(a) Commodities to which minimum price provisions applicable.

This section applies to a commodity if:

- (1) Its label or container or the vending equipment from which it is sold to a consumer bears the trademark, brand, or name of the producer or distributor of the commodity; and
- (2) It is in free and open competition with commodities of the same general class produced or distributed by others.

(b) Permitted minimum price provisions.

A contract which relates to the sale or resale of a commodity described in subsection (a) of this section may contain any of the following provisions:

- (1) That the buyer will not resell the commodity at less than the minimum price stipulated by the seller;
- (2) That the buyer will require any dealer to whom he resells the commodity to agree that he, in turn, will not resell the commodity at less than the minimum price stipulated by the seller;
- (3) That the seller will not sell the commodity to any retailer, unless the retailer, in turn, agrees not to resell the commodity except to consumers for use at not less than the stipulated minimum price;