

Defined terms: "Cigarette" § 607
"Comptroller" § 607 "License" § 610
"Sell" § 607

621. JUDICIAL REVIEW.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMPTROLLER IN A CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-215 AND 10-216 OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is standard language substituted for former Art. 56, § 72. The substitution is made to conform to language used throughout this article to provide for judicial review, and is revised to apply to any disciplinary action under this subtitle.

The introductory phrase of this section conforms to SG § 10-215, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested case if a party has a right to a hearing (see the definition of "contested case" in SG § 10-201(c)).

Defined term: "Comptroller" § 607

622. PROHIBITED ACT -- ENGAGING IN CIGARETTE BUSINESS WITHOUT A LICENSE PROHIBITED.

EXCEPT AS OTHERWISE PROVIDED IN § 611(B) OF THIS SUBTITLE, A PERSON MAY NOT ENGAGE IN THE BUSINESS OF, ATTEMPT TO ENGAGE IN THE BUSINESS OF, OR OFFER TO ENGAGE IN THE BUSINESS OF A CIGARETTE RETAILER, CIGARETTE SUBWHOLESALE, CIGARETTE VENDING MACHINE OPERATOR, OR CIGARETTE WHOLESALE IN THE STATE UNLESS THE PERSON IS LICENSED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language that, in part, is added to reflect the provisions of the second sentence of former Art. 81, § 438(a), as that sentence related to restrictions on the sale of unstamped or improperly stamped cigarettes, and, in part, is derived without substantive change from former Art. 81, § 445, as that section related to restriction on sales of unstamped cigarettes, and the first sentence of former Art. 56, § 65 and the first sentence of § 66, as those sentences related to prohibitions on activities within the scope of licenses.

The second sentence of former Art. 81, § 438(a) now appears as TG §§ 12-104 and 12-305.

The references to "attempt" and "offer" to engage in the business of a licensee are added to conform to