

~~11-5A-04.~~

~~(A) (1) ON COMPLAINT OF THE STATE COMPTROLLER OR ANY PERSON AFFECTED, A CIRCUIT COURT HAS JURISDICTION:~~

~~(I) TO ENJOIN A RETAILER OR WHOLESALER FROM THE COMMISSION OF ANY ACT PROHIBITED BY THIS SUBTITLE; AND~~

~~(II) TO AWARD DAMAGES AND COSTS.~~

~~(2) IN AN ACTION FOR INJUNCTIVE RELIEF, IT IS NOT NECESSARY FOR THE COMPLAINANT TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST OR THAT THE COMPLAINANT HAS SUFFERED ACTUAL DAMAGES.~~

~~(B) IF INJUNCTIVE RELIEF IS NOT SOUGHT OR REQUIRED, AN INJURED PERSON MAY INSTITUTE AN ACTION FOR DAMAGES IN ANY COURT OF COMPETENT JURISDICTION.~~

~~(C) IF A VIOLATION OF THIS SUBTITLE IS PROVEN AS PROVIDED IN THIS SECTION, THE STATE COMPTROLLER SHALL SUSPEND OR REVOKE THE CIGARETTE LICENSE OF THE OFFENDER AS REQUIRED BY § 16-210 OF THE BUSINESS REGULATION ARTICLE.~~

Article - Business Regulation

16-210.

(a) Subject to the hearing provisions of § 16-211 of this subtitle, the Comptroller may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another person;

(2) fraudulently or deceptively uses a license;

(3) fails to comply with the Maryland Cigarette Sales Below Cost Act or regulations adopted under that Act; [or]

(4) FAILS TO COMPLY WITH THE PROVISIONS OF TITLE 11, SUBTITLE 5A OF THE COMMERCIAL LAW ARTICLE; OR

[(4)] (5) buys cigarettes for resale:

(i) in violation of a license; or

(ii) from a person who is not a cigarette manufacturer, licensed subwholesaler, licensed vending machine operator, or licensed wholesaler.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ October 1, 2000.

Approved May 11, 2000.