

new language derived without substantive change from Art. 83, §119(b).

In paragraph (2) of this subsection, the defined term "retailers" is substituted for the undefined and somewhat inconsistent "retail dealers" and "such retail outlets."

In paragraph (2)(i) of this subsection, reference to wholesalers "who buy directly from the manufacturer" is deleted as unnecessary in light of paragraph (1) of this subsection.

In paragraph (2)(ii) of this subsection, 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.

11-502. EXCEPTIONS.

(A) EXCEPTIONS.

THIS SUBTITLE DOES NOT APPLY TO A RETAIL SALE OF CIGARETTES OR A WHOLESALE SALE OF CIGARETTES, IF THEY ARE SOLD:

(1) AT A BONA FIDE CLEARANCE SALE, ARE SO ADVERTISED AND MARKED, AND THE QUANTITY IS ACCURATELY, CLEARLY, AND CONSPICUOUSLY STATED IN ALL ADVERTISING OF THE SALE AND ON SIGNS CONSPICUOUSLY POSTED WHERE THE SALE TAKES PLACE;

(2) AS IMPERFECT, DAMAGED, OR BEING DISCONTINUED, ARE SO ADVERTISED AND MARKED, AND THE QUANTITY IS ACCURATELY, CLEARLY, AND CONSPICUOUSLY STATED IN ALL ADVERTISING OF THE SALE AND ON SIGNS CONSPICUOUSLY POSTED WHERE THE SALE TAKES PLACE;

(3) ON THE COMPLETE AND FINAL LIQUIDATION OF THE BUSINESS OF THE SELLER;

(4) UNDER AN ORDER, DIRECTION, OR SUPERVISION OF A COURT; OR

(5) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BY A RETAILER OR WHOLESALE AT A PRICE SET IN