

BY repealing and reenacting, with amendment,

Article 27 - Crimes and Punishments  
Section 370  
Annotated Code of Maryland  
(1976 Replacement Volume and 1979 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 27 - Crimes and Punishments

[369A.

(a) The General Assembly of Maryland while providing for an exception in certain counties under certain circumstances to the prohibitions of this section, finds that franchise retail merchants as contrasted with nonfranchise retail merchants have often in the past been coerced by their franchising suppliers into the utilization of the games, contests, lottery or other schemes or devices subsequently prohibited by the enactment of this section, and the General Assembly reaffirms its intention to prevent such coercion by continuing the prohibition as applied to franchise retail merchants as hereinafter defined.

(b) A retail establishment regulated or licensed pursuant to the provisions contained in Article 56 may not use any game, contests, lottery or other scheme or device, whereby a person or persons may receive gifts, prizes or gratuities as determined by chance for the purpose of promoting, furthering or advertising the sale of any product or service of whatsoever nature or kind. The fact that no purchase is required in order to participate in the game, contest, lottery or scheme does not exclude the game, contest, lottery or scheme from the provisions of this section.

(2) This section may not be construed as preventing any nonfranchise retail merchant from giving away any prize or prizes by the act of drawing of a name or names if no purchase or consideration is required to qualify for the prize or prizes.

(c) For the purpose of this section "franchise" means an agreement between a distributor and a dealer under which the dealer is granted the right to occupy premises owned, leased or controlled by the distributor, for the purpose of engaging in the retail sale of products of the distributor.]

370.

Any person or body corporate violating any of the provisions of § 369 [or 369A] of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof