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## KIRK'S CORNER

# Delaware Legislative Session Ended June 30th



By Kirk McCauley, Director  
Of Member Relations &  
Government Affairs

**The Delaware State Lottery Office** sent [letters to lottery retailers](#) informing them of the upcoming launch of the state's I-Lottery program. **Lottery will not go online, that idea has been scrapped for now.**

Governor Matt Meyer started off legislative session announcing that he would seek a fifty-cent increase in tobacco tax on cigarettes. Then House Speaker Melissa Minor Brown introduces [House Bill 215](#), which would raise tobacco, OTP, and ESD tax as follows.

Increasing the cigarette tax from \$2.10 to \$3.60 per pack. Raising the tax on other tobacco products from 30% to 45% of the wholesale price. Increasing the moist snuff tax from \$0.92 to \$1.23 per ounce. Expanding the vapor product tax from \$0.05 to \$0.25 per milliliter. The bill would also amend Delaware's tobacco licensing system, raising retail and wholesale cost of doing business.

Along with tobacco tax, from Governor and legislators, 3 other bill [SB 77](#) ESD Product Directory, [SB 89](#) Credit Card Surcharges and [HB 92](#) Repeal of Advanced Clean Cars II **Program all failed to get a vote committee** and governor's \$.50 didn't stay in the budget bill.

Delaware is different than Maryland in that if a bill does not receive a vote, it is still alive for next year. These bills will be back next year. So, at the very least, we kicked the can down the road for another year.

### July 1, changes

**Montgomery County**, minimum wage increase

- 51 or more employees +.50 = **\$17.65**
- 11-50 employees + .50 = **\$16.00**
- 10 or less employees +.50 = **\$15.50**

[Maryland Minimum Wage and Overtime Law - Employment Standards Service](#)



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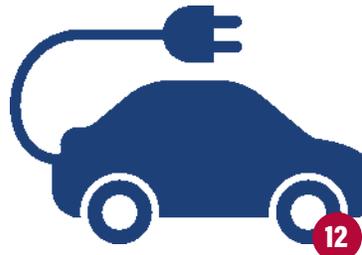


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Continued from cover page

### [\(ESS\) - Division of Labor and Industry](#)

#### **Maryland Gas and Diesel Tax**

Gas, minus .0010 = **\$.4600**

Diesel minus .0010 = **\$.4675**

[Tax Guidance - Motor Fuel Tax Information - Taxpayer Services](#)

#### **Maryland Budget bill [HB0350/ HB0352](#)**

Raised taxes and fees on new tires, Weights & Measures, IT/Data services, MVA fees and much more. Here is a link to “Summary of Budget Bill,” Summary turns 421 pages into a readable 40 Pages. [Conference Committee Summary on HB 350 and HB 352.](#)

**Sales and Use Tax updates from Comptroller’s office - [Tax Alert Sales and Use Tax Updates 2025-2026](#)** -Data Service and Technology Service, Cannabis and more.

#### **DC Minimum Wage**

**Up \$.45 to \$17.95** for all non-tipped wage employees - [2025 DISTRICT OF COLUMBIA MINIMUM WAGE POSTER .pdf](#)

#### **New MD Law Requires THC Products to Meet State Standards for Labeling and Packaging**

During the 2025 Legislative Session, the Maryland General Assembly passed Senate Bill 214 ([CH0058](#)) and House Bill 12 ([CH0057](#)) which empowers the Alcohol, Tobacco, and Cannabis Commission (ATCC) to address the wide range of intoxicating THC products sold outside of Maryland’s licensed cannabis system.

**All THC products intended for human consumption or inhalation** must meet the

same packaging, labeling, and manufacturing standards required of products sold by licensed dispensaries regulated by the Maryland Cannabis Administration (MCA).

These new laws do not change Washington County judge’s injunction, saying retailers that were selling THC products before May 3, 2023, can continue to do so, until merits of case are ruled on (no ruling so far). **New laws do change the way the product must be labeled and packaged. There is no grace period, as of July 1, 2025, all retail products must meet new requirements. Three information links are below with examples. Fines will be heavy for non-compliance. Products that do not meet new standards must be off the shelf.**

[Important Updates on SB 214/ HB 12 - Cannabis - Sale and Distribution - Tetrahydrocannabinol Offenses MD-THC-Regulations.pdf](#) and [THC Compliance Standards | ATCC](#)

**ATCC notice**, new and renewed licenses and permits will be emailed to the address on file. The license and permit certificates have been enhanced to take advantage of the convenience and efficiency of this new method. Make sure ATCC has your correct email. Not just for licenses but for changes and regulations they send out.

[Faster, Easier Licensing – Make Sure Your Email Is Up to Date](#)

**ATCC to tobacco Wholesalers Cigarette Cost of Doing Business Notice** Retailer should urge their wholesalers to apply If costs are lower than the default of 5%.

#### **Maryland Lottery Changes Coming**

Maryland Lottery agents will be able to sell subscription vouchers at their terminals [HB618](#), as of July 1, 2025. Agent will receive commission rate same as any lottery transaction. State lottery must also pay a licensed agent the commission rate under current law for the renewal of a subscription that was originally funded by a voucher sold by the licensed agent and is renewed before the subscription’s expiration for a period of 24 months from the date of the first renewal.

In talks with Lottery official **this program will not start on July 1**, will take months to complete programming and technical changes required to implement, will keep you updated on progress.

While HB618 allows Maryland State Lottery to sell subscriptions along with their licensed agents, both will be launched at the same time. MSL is also working on promotional material for agents. This program will benefit agents and MSL.

With temperatures we have been having, if you have work areas that are not climate controlled, you need to have a Heat Stress plan; you do not want the state to make you a plan along with a fat fine.

[Heat Stress - Summary of Key Requirements Maryland heat standard requirements - Search mosh- heatstresshipmodelprogram.pdf](#) ■

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**SEPTEMBER 29, 2025**

**MAFCAS TRADESHOW & AWARDS DINNER  
MARYLAND LIVE CASINO & HOTEL**

Join us Monday, September 29, 2025 at Maryland Live Casino & Hotel for the Mid-Atlantic Fuel, Convenience & Auto Repair Show (MAFCAS)—the must-attend event for professionals in fuel, convenience store, and auto repair.

FREE Admission to the MAFCAS Tradeshow and Legislative & Industry Issues Forum. Ask your questions directly to key agencies and leaders from MDE, ATCC, W&M, the Comptroller's Office, WMDA/CAR legal team, the Maryland Lottery, SSDA-AT, and more!

Cap off the day with a Cocktail Hour at 6 PM, followed by the Awards Dinner & Entertainment (tickets required for evening events). Keynote Speaker at Dinner, Fmr. Governor Larry Hogan.

**This event will sell out, get your ticket or better yet, purchase a table and bring your whole crew. Register Today to Attend!**

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**KEYNOTE SPEAKER: FMR. GOVERNOR LARRY HOGAN**

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# Pick a Good (Protectable) Business or Product Name and Maximize Your Profits!

**Failure to invest in and use branding** that is protected by US trademark registrations detrimentally hurts a business in many ways. Competitors can freely imitate your brands and hurt your market share. The ability to sell or franchise your successful business may be reduced or destroyed. Even worse, the return on investment of each of your marketing dollars is lower than it should have been.

Prior to contacting the attorneys of Garcia-Zamor, it may be worthwhile to brainstorm a few possible business/product brands. When contemplating potential brands it is important to think about what category of trademarks the brand may fall into, as viewed by the US Patent and Trademark Office.

The law only protects business names that are “distinctive,” meaning that the business name distinguishes the merchant’s goods and services from those of others. Courts classify business names into five categories: (1) fanciful, (2) arbitrary, (3) suggestive, (4) descriptive, and (5) generic. Fanciful, arbitrary, and suggestive business names are inherently distinctive and therefore will be protectable, unless they could be confused with an already trademarked business name. Descriptive business names are only entitled to trademark protection if they have acquired a secondary meaning. Generic business names are not protectable under any circumstances.

## **Fanciful Business Names (Strongest)**

Business names with made-up words are considered to be fanciful, and are the most distinctive and protectable names. For example, Pepsi, Xerox, and Kodak are all words invented to serve as a business name.

## **Arbitrary Business Names (Strong)**

Business names that use existing words in a unique way are considered to be arbitrary, meaning that the words have an arbitrary relationship to the merchant’s goods and services. Examples include: Apple for electronics, Arm and Hammer for baking soda, and Domino for sugar. Arbitrary business names, like fanciful business names, are easy to trademark.

## **Suggestive Business Names (Strong)**

Suggestive business names suggest a characteristic of the merchant’s goods or services without actually describing that characteristic. The customer must use their imagination to make a connection between the name and the goods or services. For example, Texas Toast suggests oversized or thick bread, and Greyhound suggests buses with high speed.



*The law only protects business names that are “distinctive,” meaning that the business name distinguishes the merchant’s goods and services from those of others.*

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## **Descriptive Business Names (Weak)**

Business names that identify characteristics of the merchant's goods or services, such as geographic origin, color, function, or properties, are considered to be descriptive. Descriptive business names can only be trademarked if the name has acquired a secondary meaning. In other words, the public must associate the name with only one business. American Airlines and Food Network are both descriptive business names that are protectable because the public associates the names with only one business.

## **Generic Business Names (Not Protectable)**

Generic business names cannot be registered as trademarks. A business name is generic if the public associates the name with a whole group of goods or services, including the merchant's goods or services. Aspirin, Laundromat, and Thermos are examples of trademarks that have become generic.

Taylor Hallowell is a specialist in intellectual property at Garcia-Zamor Intellectual Property Law, LLC. She is currently pursuing her Juris Doctorate at the University of Maryland Francis King Carey School of Law in Baltimore, Maryland. She received her Bachelor of Science degree in Biology from Amherst College in Massachusetts. Ms. Hallowell primarily focuses on contracts, discovery, and patents, mainly in the fields of mechanical technologies.

If you have any questions regarding your trademarks and related branding strategy, please [contact](#) Garcia-Zamor Intellectual Property Law, LLC. ■

# Summer on the Move: Turn Increased Travel Into Long-Term Loyalty

Brought to you by Tim Jancius, Spigler Petroleum Equipment, LLC

**As families pack up and hit the road** for long weekends and summer vacations, gas stations and convenience stores across the region are seeing a welcomed uptick in traffic. Now is the perfect time to turn that seasonal surge into year-round success.

With more drivers pulling up to the pump, your dispenser becomes a powerful tool for customer engagement. Whether you already have Applause or GSTV, or you're considering upgrading your site with Flex 6 dispensers and GSTV integration, now is the time to make the most of every visit.

## Make Your Message Matter

With the ability to run up to three targeted commercials a day, you can:

- Food, snacks, or ice-cold drinks waiting just inside
- Showcase your well-stocked shelves
- Promote self-checkout kiosks that get people back on the road faster

You can also use this space to drive awareness for:

- Oil change specials
- Summer Tune-ups
- or Highlight your clean restrooms

By delivering the right message at the right time — while customers are fueling — you give them a reason to come inside, explore more, and come back again.

## Need Help Customizing Your Dispenser Ads?

If you're unsure about what your current equipment can do or how to get started with advertising, contact our sales team, [info@spiglerpetroleum.com](mailto:info@spiglerpetroleum.com). We'll review your setup and connect you with a representative from GSTV or Applause who can help tailor your advertising to fit your location and customer base.

## This summer, don't just fuel the journey — become part of it.

Build loyalty. Boost inside sales. And make your station a memorable stop along the way. ■



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All ticket holders have access to MAFCAS. Tradeshow hours: 12:00 pm – 6:00 pm at the Event Center.

# SSDA-AT Praises President Trump for Blocking California EV Mandate, Supports Vehicle Choice



By Roy Littlefield IV

**SSDA-AT applauds President Trump** for signing a joint resolution that effectively blocks California’s attempt to mandate 100% electric vehicle (EV) sales by 2035.

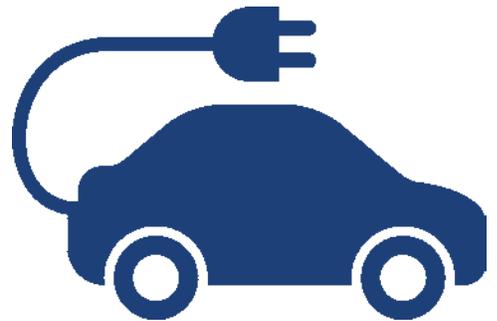
SSDA-AT has long opposed this aggressive and impractical regulation and strongly supports the President’s decision to restore consumer choice and protect the broader U.S. economy from the harmful consequences of a one-state policy driving national standards.

California’s EV mandate would have required that all new vehicle sales in the state be electric by 2035—effectively eliminating gas- and diesel-powered vehicles from the new car market. SSDA-AT believes this policy was completely unreasonable. It failed to account for the diverse transportation needs of American drivers and the economic realities facing families, businesses, and rural communities. The mandate was disruptive, impractical, and would have caused serious harm to industries across the automotive sector.

Most importantly, the California regulation sought to impose one state’s policy on the entire country. Because of the size of California’s market, its mandates have nationwide implications for manufacturers, dealers, and consumers.

SSDA-AT agrees with the Trump administration that this is a matter of federal jurisdiction. Vehicle emissions standards should be set by the federal government—not a single state—especially when air quality and vehicle markets cross state lines. A patchwork of state regulations is unworkable and threatens to undermine the efficiency and predictability needed in a national economy.

SSDA-AT strongly supports the principle that all Americans should be free to choose the vehicle that works best for their lifestyle and budget—whether that’s a gas-powered truck, a hybrid, or an EV. The U.S. Constitution does not grant any state special status to dictate national consumer options or restrict access to proven and affordable vehicle technologies.



*California’s EV mandate would have required that all new vehicle sales in the state be electric by 2035—effectively eliminating gas- and diesel-powered vehicles from the new car market.*



In addition to supporting the President's recent action, SSDA-AT is backing legislation in the 119th Congress that would permanently protect consumer vehicle choice.

The Preserving Choice in Vehicle Purchases Act of 2025 (S.996 and H.R. 346) would

codify the federal government's authority to set nationwide vehicle standards and prevent states from issuing their own bans on internal combustion engines.

SSDA-AT will continue to work closely with the administration, lawmakers, and our members to ensure that consumer choice

remains protected. We remain committed to supporting policy solutions that are practical, inclusive, and grounded in economic reality—rather than mandates that disregard the complexity of the American vehicle market. ■

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SCAN ME

# Regulators Force Divestitures in Circle K's \$1.57 Billion Midwest Fuel Deal



By Roy Littlefield III

**In a significant move highlighting** the Federal Trade Commission's (FTC) continued scrutiny of corporate consolidation, the agency has raised antitrust concerns over a proposed \$1.57 billion acquisition by Alimentation Couche-Tard Inc. (ACT), the Canadian parent company of Circle K. The FTC ordered the divestiture of 35 fuel stations located in Indiana, Ohio, and Pennsylvania to maintain market competition and protect consumers from potential price increases.

ACT had planned to acquire 270 gas stations from Midwest-based grocery and fuel retailer Giant Eagle, expanding its already vast network of retail outlets across the United States. However, after reviewing the transaction, the FTC concluded that the acquisition would reduce competition in several key markets where the two companies currently operate, potentially leading to higher fuel prices and fewer consumer choices.

To address those concerns, the FTC is requiring that ACT sell 35 of the overlapping locations to Majors Management, a Georgia-based fuel and convenience store operator with more than 1,400 locations across the country. In addition to the divestiture, the FTC order bars ACT from re-acquiring those locations for at least 10 years, a move intended to prevent the re-consolidation of the divested assets and ensure long-term competition.

The timing of the decision is notable, coming just before the busy July 4th holiday weekend when millions of Americans hit the road and fuel prices are top of mind for many consumers. While President Donald Trump's administration has generally favored deregulation and pro-business policies, the FTC's action here demonstrates that enforcement of antitrust laws remains active in certain key sectors, particularly those that directly impact the everyday cost of living.

Although the Trump-era FTC has faced criticism for being less aggressive



*...The FTC is requiring that ACT sell 35 of the overlapping locations to Majors Management, a Georgia-based fuel and convenience store operator with more than 1,400 locations across the country.*



than under previous leadership, especially during the tenure of former Chair Lina Khan, this intervention suggests the agency is still willing to act when consumer pricing and competitive markets are at stake. In this case, the fuel retail sector's importance and visibility appear to have triggered a more cautious regulatory approach.

The fuel and convenience store industry has seen rapid consolidation over the past decade, as major players like ACT have sought to expand their geographic footprints through acquisitions. These moves often promise improved efficiency and streamlined operations, but they also raise concerns about reduced competition, particularly in smaller and mid-sized markets where only a few firms operate. By blocking ACT from acquiring certain Giant Eagle locations in overlapping markets, the FTC is seeking to prevent monopolistic control and preserve pricing discipline among retailers.

The FTC's decision could have ripple effects throughout the industry. It underscores the importance of evaluating not just national market impacts, but also localized competitive dynamics. Even in transactions where a company's overall market

share appears manageable, specific regional overlaps can lead to antitrust violations if they substantially reduce consumer choice or facilitate price increases.

The outcome of this case

reinforces the FTC's power to shape mergers and acquisitions, even in a more deregulatory political environment. ■

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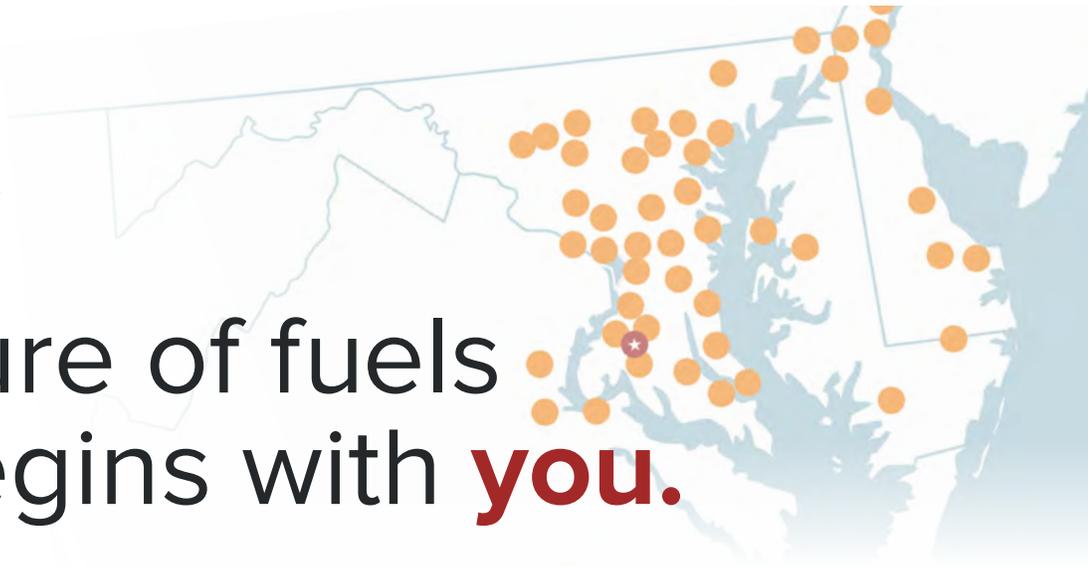
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### Flexible Growth

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### Wills Advantage

- All Self Service & Flexible Growth benefits
- Management of fuel system upgrades
- Splash In ECO Car Wash franchise opportunity

Fuels network brands and companies:

