

## Other/Miscellaneous:

### Maryland Supreme Court Asked to Review Case Invalidating Gross Receipts Tax on Digital Ad Services

On December 27, 2022, the Maryland Attorney General filed a petition for a writ of certiorari, along with a separate stay of enforcement, with the Maryland Supreme Court (Court) asking the Court to:

1. Review the Anne Arundel County Circuit Court's recent decision [see previously issued Multistate Tax Alert for more details on this recent decision] that Maryland's novel tax on digital advertising services [see H.B. 732 (2021) and previously issued Multistate Tax Alert for more details on this new tax, as well as S.B. 787 (2021) and previously issued Multistate Tax Alert, for details on subsequently enacted legislation that pushed the start date of the new digital advertising tax to 2022] violates the US Constitution and federal Internet Tax Freedom Act (ITFA), and  
[URL: https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-multistate-tax-maryland-circuit-court-strikes-down-tax-on-digital-advertising-services.pdf](https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-multistate-tax-maryland-circuit-court-strikes-down-tax-on-digital-advertising-services.pdf)  
[URL: http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0732/?ys=2020rs](http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0732/?ys=2020rs)  
[URL: https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-maryland-enacts-tax-on-digital-advertising-services.pdf](https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-maryland-enacts-tax-on-digital-advertising-services.pdf)  
[URL: http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0787?ys=2021RS](http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0787?ys=2021RS)  
[URL: https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-mta-maryland-enacts-emergency-bill-addressing-taxation-of-digital-advertising-and-digital-products.pdf](https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-mta-maryland-enacts-emergency-bill-addressing-taxation-of-digital-advertising-and-digital-products.pdf)
2. Stay enforcement of the lower court's declaratory judgment pending the appeal so that the declaration has "no effect unless and until ordered by this Court."

Note that on November 21, 2022, the Maryland Attorney General also filed a notice of appeal with the Court of Special Appeals of Maryland seeking review of the Anne Arundel County Circuit Court's recent decision [see *State Tax Matters*, Issue 2022-47, for details on this earlier filing]. Please contact us with any questions.

[URL: https://dhub.blob.core.windows.net/dhub/Newsletters/Tax/2022/STM/221202\\_19.html](https://dhub.blob.core.windows.net/dhub/Newsletters/Tax/2022/STM/221202_19.html)

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