

## Other/Miscellaneous:

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

*Case No. SCM-REG-0032-2022*, Md. (review granted 1/20/23). The Maryland Supreme Court (Court) has agreed to review the Anne Arundel County Circuit Court's 2022 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). However, the Court denied the Maryland Attorney General's request to stay enforcement of the lower court's declaratory judgment pending the appeal so that the declaration would have "no effect unless and until ordered by this Court." Please contact us with any questions.

**URL:** <https://www.courts.state.md.us/coappeals/petitions/202301petitions>

**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>

**URL:** <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>

**URL:** <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>

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