

Article - Business Regulation

[\[Previous\]](#)[\[Next\]](#)

§16–201. IN EFFECT

(a) In this subtitle the following words have the meanings indicated.

(b) “License” means:

(1) a license issued by the Comptroller under § 16–205(a) of this subtitle to:

(i) act as a manufacturer;

(ii) act as a subwholesaler;

(iii) act as a vending machine operator;

(iv) act as a wholesaler; or

(v) act as a storage warehouse; or

(2) a license issued by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(c) “Licensed manufacturer” means a person licensed by the Comptroller under § 16–205(a) of this subtitle to act as a manufacturer.

(d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(e) “Licensed storage warehouse” means a facility licensed by the Comptroller under § 16–205(a) of this subtitle to act as a storage warehouse.

(f) “Licensed subwholesaler” means a person licensed by the Comptroller under § 16–205(a) of this subtitle to act as a subwholesaler.

(g) “Licensed vending machine operator” means a person licensed by the Comptroller under § 16–205(a) of this subtitle to act as a vending machine operator.

(h) “Licensed wholesaler” means a person licensed by the Comptroller under § 16–205(a) of this subtitle to act as a wholesaler.

- (i) “Manufacturer” means a person who:
 - (1) (i) operates one or more cigarette manufacturing plants; or
 - (ii) is a participating manufacturer; and
 - (2) (i) sells unstamped cigarettes to a licensed cigarette wholesaler located in Maryland;
 - (ii) sells unstamped cigarettes that may lawfully be sold in Maryland to a licensed cigarette wholesaler located outside of Maryland;
 - (iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample cigarettes to consumers located in Maryland; or
 - (iv) stores unstamped cigarettes in a cigarette storage warehouse in Maryland for subsequent shipment to licensed wholesalers, federal reservations, or persons out of state.
- (j) “Participating manufacturer” has the meaning stated in § 16–501 of this title.
- (k) “Retailer” means a person who:
 - (1) sells cigarettes to consumers through vending machines on fewer than 40 premises;
 - (2) otherwise sells cigarettes to consumers; or
 - (3) holds cigarettes for sale to consumers.
- (l) “Stamped cigarettes” means a package of cigarettes to which tobacco tax stamps are affixed in the amount and manner required by § 12–304 of the Tax – General Article.
- (m) “Storage warehouse” means a storage facility in Maryland operated for the purpose of storing unstamped cigarettes on behalf of a licensed cigarette manufacturer.
- (n) (1) “Subwholesaler” means a person who:
 - (i) holds stamped cigarettes for sale to another person for resale; or

(ii) sells stamped cigarettes to another person for resale.

(2) “Subwholesaler” does not include a person who sells unstamped cigarettes or holds unstamped cigarettes for sale.

(o) “Unstamped cigarettes” means a package of cigarettes to which tobacco tax stamps are not affixed in the amount and manner required by § 12–304 of the Tax – General Article.

(p) “Vending machine operator” means a person who:

(1) holds cigarettes for sale to consumers through vending machines on 40 or more premises; or

(2) sells cigarettes to consumers through vending machines on 40 or more premises.

(q) “Wholesaler” means a person who:

(1) holds cigarettes for sale to another person for resale; or

(2) sells cigarettes to another person for resale.

§16–201. ** TAKES EFFECT JUNE 1, 2020 PER CHAPTER 12 OF 2019 **

(a) In this subtitle the following words have the meanings indicated.

(b) “License” means:

(1) a license issued by the Executive Director under § 16–205(a) of this subtitle to:

(i) act as a manufacturer;

(ii) act as a subwholesaler;

(iii) act as a vending machine operator;

(iv) act as a wholesaler; or

(v) act as a storage warehouse; or

(2) a license issued by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(c) “Licensed manufacturer” means a person licensed by the Executive Director under § 16–205(a) of this subtitle to act as a manufacturer.

(d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(e) “Licensed storage warehouse” means a facility licensed by the Executive Director under § 16–205(a) of this subtitle to act as a storage warehouse.

(f) “Licensed subwholesaler” means a person licensed by the Executive Director under § 16–205(a) of this subtitle to act as a subwholesaler.

(g) “Licensed vending machine operator” means a person licensed by the Executive Director under § 16–205(a) of this subtitle to act as a vending machine operator.

(h) “Licensed wholesaler” means a person licensed by the Executive Director under § 16–205(a) of this subtitle to act as a wholesaler.

(i) “Manufacturer” means a person who:

(1) (i) operates one or more cigarette manufacturing plants; or

(ii) is a participating manufacturer; and

(2) (i) sells unstamped cigarettes to a licensed cigarette wholesaler located in Maryland;

(ii) sells unstamped cigarettes that may lawfully be sold in Maryland to a licensed cigarette wholesaler located outside of Maryland;

(iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample cigarettes to consumers located in Maryland; or

(iv) stores unstamped cigarettes in a cigarette storage warehouse in Maryland for subsequent shipment to licensed wholesalers, federal reservations, or persons out of state.

(j) “Participating manufacturer” has the meaning stated in § 16–501 of this title.

(k) “Retailer” means a person who:

(1) sells cigarettes to consumers through vending machines on fewer than 40 premises;

(2) otherwise sells cigarettes to consumers; or

(3) holds cigarettes for sale to consumers.

(l) “Stamped cigarettes” means a package of cigarettes to which tobacco tax stamps are affixed in the amount and manner required by § 12–304 of the Tax – General Article.

(m) “Storage warehouse” means a storage facility in Maryland operated for the purpose of storing unstamped cigarettes on behalf of a licensed cigarette manufacturer.

(n) (1) “Subwholesaler” means a person who:

(i) holds stamped cigarettes for sale to another person for resale; or

(ii) sells stamped cigarettes to another person for resale.

(2) “Subwholesaler” does not include a person who sells unstamped cigarettes or holds unstamped cigarettes for sale.

(o) “Unstamped cigarettes” means a package of cigarettes to which tobacco tax stamps are not affixed in the amount and manner required by § 12–304 of the Tax – General Article.

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(1) holds cigarettes for sale to consumers through vending machines on 40 or more premises; or

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(1) holds cigarettes for sale to another person for resale; or

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[\[Previous\]](#)[\[Next\]](#)