

## Article - Business Regulation

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§16.5–205. IN EFFECT

- (a) An other tobacco products manufacturer may:
- (1) sell other tobacco products on which the tobacco tax has not been paid to:
    - (i) a licensed other tobacco products wholesaler located in Maryland;
    - (ii) a licensed other tobacco products wholesaler located outside Maryland if the other tobacco products may be sold lawfully in Maryland; or
    - (iii) a licensed tobacconist;
  - (2) sell premium cigars or pipe tobacco on which the tobacco tax has not been paid to a licensed other tobacco products retailer;
  - (3) except as otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distribute sample other tobacco products to consumers located in Maryland;
  - (4) store other tobacco products on which the tobacco tax has not been paid in a licensed other tobacco products storage warehouse for subsequent shipment to licensed other tobacco products wholesalers, federal reservations, or persons out of state; and
  - (5) on approval of the Comptroller, act as an agent of a Maryland other tobacco products wholesaler for distribution of other tobacco products.
- (b) An other tobacco products retailer license authorizes the licensee to:
- (1) act as an other tobacco products retailer;
  - (2) buy other tobacco products on which the tobacco tax has been paid from an other tobacco products wholesaler; and
  - (3) buy premium cigars or pipe tobacco on which the tobacco tax has not been paid from an other tobacco products manufacturer.

(c) (1) An other tobacco products storage warehouse license authorizes the licensee to operate a storage facility in Maryland for the purpose of storing other tobacco products on which the tobacco tax has not been paid on behalf of a licensed other tobacco products manufacturer.

(2) If an other tobacco products storage warehouse licensee is a licensed other tobacco products wholesaler, the other tobacco products storage warehouse license authorizes the holder to store other tobacco products on which the tobacco tax has been paid and other tobacco products on which the tobacco tax has been paid to another state.

(d) An other tobacco products wholesaler license authorizes the licensee to:

(1) act as an other tobacco products wholesaler;

(2) buy other tobacco products on which the tobacco tax has not been paid directly from an other tobacco products manufacturer;

(3) hold other tobacco products on which the tobacco tax has not been paid;

(4) transport other tobacco products on which the tobacco tax has not been paid in the State;

(5) sell other tobacco products on which the tobacco tax has not been paid to another licensed other tobacco products wholesaler if the Comptroller specifically authorizes; and

(6) store other tobacco products on which the tobacco tax has not been paid at a licensed other tobacco products storage warehouse.

(e) A tobacconist license authorizes the licensee to:

(1) act as a tobacconist; and

(2) buy other tobacco products on which the tobacco tax has not been paid from an other tobacco products manufacturer.

§16.5–205. \*\* TAKES EFFECT JUNE 1, 2020 PER CHAPTER 12 OF 2019 \*\*

(a) An other tobacco products manufacturer may:

(1) sell other tobacco products on which the tobacco tax has not been paid to:

(i) a licensed other tobacco products wholesaler located in Maryland;

(ii) a licensed other tobacco products wholesaler located outside Maryland if the other tobacco products may be sold lawfully in Maryland; or

(iii) a licensed tobacconist;

(2) sell premium cigars or pipe tobacco on which the tobacco tax has not been paid to a licensed other tobacco products retailer;

(3) except as otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distribute sample other tobacco products to consumers located in Maryland;

(4) store other tobacco products on which the tobacco tax has not been paid in a licensed other tobacco products storage warehouse for subsequent shipment to licensed other tobacco products wholesalers, federal reservations, or persons out of state; and

(5) on approval of the Executive Director, act as an agent of a Maryland other tobacco products wholesaler for distribution of other tobacco products.

(b) An other tobacco products retailer license authorizes the licensee to:

(1) act as an other tobacco products retailer;

(2) buy other tobacco products on which the tobacco tax has been paid from an other tobacco products wholesaler; and

(3) buy premium cigars or pipe tobacco on which the tobacco tax has not been paid from an other tobacco products manufacturer.

(c) (1) An other tobacco products storage warehouse license authorizes the licensee to operate a storage facility in Maryland for the purpose of storing other tobacco products on which the tobacco tax has not been paid on behalf of a licensed other tobacco products manufacturer.

(2) If an other tobacco products storage warehouse licensee is a licensed other tobacco products wholesaler, the other tobacco products storage warehouse license authorizes the holder to store other tobacco products on which the

tobacco tax has been paid and other tobacco products on which the tobacco tax has been paid to another state.

- (d) An other tobacco products wholesaler license authorizes the licensee to:
  - (1) act as an other tobacco products wholesaler;
  - (2) buy other tobacco products on which the tobacco tax has not been paid directly from an other tobacco products manufacturer;
  - (3) hold other tobacco products on which the tobacco tax has not been paid;
  - (4) transport other tobacco products on which the tobacco tax has not been paid in the State;
  - (5) sell other tobacco products on which the tobacco tax has not been paid to another licensed other tobacco products wholesaler if the Executive Director specifically authorizes; and
  - (6) store other tobacco products on which the tobacco tax has not been paid at a licensed other tobacco products storage warehouse.
- (e) A tobacconist license authorizes the licensee to:
  - (1) act as a tobacconist; and
  - (2) buy other tobacco products on which the tobacco tax has not been paid from an other tobacco products manufacturer.

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