

12-301. "LICENSED WHOLESALER" DEFINED.

IN THIS SUBTITLE, "LICENSED WHOLESALER" MEANS A WHOLESALER WHO IS LICENSED UNDER ARTICLE 56, § 613 OF THE CODE TO ENGAGE IN THE BUSINESS OF A WHOLESALER.

REVISOR'S NOTE: This section is new language added to avoid repetition of phrases such as a "person licensed under Article 56, § 613 of the Code to engage in the business of a cigarette wholesaler".

Defined term: "Wholesaler" § 12-101

12-302. PAYMENT REQUIRED.

(A) MANUFACTURERS.

A MANUFACTURER OF SAMPLE CIGARETTES SHALL PAY THE TOBACCO TAX ON THOSE CIGARETTES DISTRIBUTED IN THE STATE WITHOUT CHARGE, IN THE MANNER THAT THE COMPTROLLER REQUIRES BY REGULATION, WITH THE RETURN THAT COVERS THE PERIOD IN WHICH THE MANUFACTURER DISTRIBUTED THOSE CIGARETTES.

(B) WHOLESALERS.

THE WHOLESALER WHO FIRST POSSESSES IN THE STATE UNSTAMPED CIGARETTES FOR WHICH TAX STAMPS ARE REQUIRED SHALL PAY THE TOBACCO TAX ON THOSE CIGARETTES BY BUYING AND AFFIXING TAX STAMPS.

REVISOR'S NOTE: Subsection (a) of this section is new language substituted for the first clause of former Art. 81, § 432(b)(2), which enabled the Comptroller to allow the payment of tax on sample cigarettes "by report". This substitution is based on COMAR 03.02.02.09, which regulates the tax payment and reporting procedures for sample cigarettes.

Subsection (b) of this section is new language derived without substantive change from the second clause of the first sentence of former Art. 81, § 434 and, except the reference to stamps, § 437.

In subsection (b) of this section, the word "affixing" is added to clarify that tax stamps must be bought and affixed for the tax to be considered paid. See § 12-304(b) of this subtitle.

Also in subsection (b) of this section, the defined term "licensed wholesaler" is substituted for the former word "distributor", for clarity. For a discussion of the word "wholesaler", see the General Revisor's Note to Subtitle 1 of this title.