

licensed wholesaler is the only person entitled to the discount since a "licensed" wholesaler is the only person authorized to buy stamps from the Comptroller and to affix tax stamps. Although the Comptroller may collect the tax from any person possessing cigarettes, no discount is allowed unless the person is a licensed wholesaler.

Defined terms: "Comptroller" § 1-101
"Licensed wholesaler" § 12-101 "Person" § 1-101
"Tax stamp" § 12-101

12-304. EVIDENCE OF PAYMENT.

(A) MARKED PACKAGES OF SAMPLES.

A MANUFACTURER THAT PAYS THE TOBACCO TAX SHALL INDICATE PROMINENTLY ON EACH PACKAGE OF CIGARETTES THAT:

(1) THE PACKAGE CONTAINS SAMPLE CIGARETTES THAT ARE NOT FOR SALE; AND

(2) ALL APPLICABLE TOBACCO TAXES ON THOSE CIGARETTES HAVE BEEN PAID.

(B) TAX STAMPS.

(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, WITHIN 72 HOURS AFTER RECEIVING CIGARETTES IN THE STATE AND BEFORE SELLING OR ATTEMPTING TO SELL THE CIGARETTES, A LICENSED WHOLESALER WHO FIRST POSSESSES THE CIGARETTES SHALL AFFIX, TO THE SMALLEST CIGARETTE PACKAGE, TAX STAMPS:

(I) IN A TOTAL AMOUNT THAT AT LEAST EQUALS THE TOBACCO TAX DUE ON THE NUMBER OF CIGARETTES IN THE PACKAGE; AND

(II) IN THE MANNER THAT THE COMPTROLLER REQUIRES, INCLUDING PLACING THE TAX STAMPS ON THE CIGARETTE PACKAGE SO THAT THE STAMPS ARE VISIBLE TO A BUYER.

(2) IF A TAX STAMP HAS BEEN AFFIXED TO A PACKAGE OF CIGARETTES, A PERSON MAY NOT AFFIX THE SAME TAX STAMP TO ANOTHER PACKAGE OF CIGARETTES.

(C) EXCEPTIONS.

A LICENSED WHOLESALER IS NOT REQUIRED TO AFFIX TAX STAMPS TO:

(1) SAMPLE CIGARETTES IF THE CIGARETTE PACKAGE IS MARKED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; OR

(2) CIGARETTES THAT ARE SEGREGATED OR MARKED TO INDICATE THAT THE CIGARETTES: