

**Article – Tax – General**

12-104.

(a) “Consumer” means a person who possesses cigarettes for a purpose other than selling or transporting the cigarettes.

(b) The tobacco tax does not apply to cigarettes that:

(1) a person is holding for sale outside the State or to a United States armed forces exchange or commissary;

(2) a consumer brings into the State:

(i) if the quantity brought from another state does not exceed:

1. for a nonresident consumer traveling through this State, 1 carton; or

2. for any other consumer, 2 packages; or

(ii) if the quantity brought from a United States armed forces installation or reservation does not exceed:

1. for a consumer who is a member of an armed forces unit or who is entitled by law to make a purchase at an armed forces exchange, 2 cartons; or

2. for any other consumer, 2 packages that were bought at an armed forces exchange or commissary;

(3) a person is transporting by vehicle in the State if the person has, in the vehicle, the records required by § 16-219 of the Business Regulation Article for the transportation of cigarettes; or

(4) are held in storage in a [warehouse facility operated by a] licensed [manufacturer’s warehouse operator] STORAGE WAREHOUSE.

12-201.

(a) A manufacturer shall complete and file with the Comptroller a tobacco tax return:

(1) on or before the 15th day of the month that follows the month in which the manufacturer distributes in the State free sample cigarettes of the manufacturer; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the manufacturer does not distribute any sample cigarettes.

(b) A licensed [manufacturer’s] STORAGE warehouse operator shall file the information return that the Comptroller requires.