

Article - Business Regulation

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§16.5–216. IN EFFECT

(a) A person may not ship, import, or sell into or within this State any other tobacco products unless that person:

- (1)
 - (i) is the owner of the brand;
 - (ii) is the United States importer for the brand; or
 - (iii) is a designated agent in Maryland of:
 1. the owner of the brand; or
 2. the United States importer of the brand; and
- (2) holds any license required by this subtitle.

(b) A person who ships, imports, or sells other tobacco products into or within this State:

(1) shall comply with any federal and State requirements concerning the placement of warning labels or other information on the containers or individual packages of other tobacco products; and

(2) shall ensure that the containers or individual packages of other tobacco products do not contain any information or markings that are false, misleading, or contrary to:

- (i) federal trademark or tax laws;
- (ii) the trademark law of this State under Title 1, Subtitle 4 of this article; or
- (iii) the tax laws of this State under Title 12 of the Tax – General Article.

(c) A person who ships, imports, or sells other tobacco products into or within this State in violation of this section is subject to disciplinary action by the Comptroller under § 16.5–208 of this subtitle and to the penalty specified in § 13–1015 of the Tax – General Article.

§16.5–216. ** TAKES EFFECT JUNE 1, 2020 PER CHAPTER 12 OF 2019 **

(a) A person may not ship, import, or sell into or within this State any other tobacco products unless that person:

- (1) (i) is the owner of the brand;
- (ii) is the United States importer for the brand; or
- (iii) is a designated agent in Maryland of:
 - 1. the owner of the brand; or
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- (2) holds any license required by this subtitle.

(b) A person who ships, imports, or sells other tobacco products into or within this State:

(1) shall comply with any federal and State requirements concerning the placement of warning labels or other information on the containers or individual packages of other tobacco products; and

(2) shall ensure that the containers or individual packages of other tobacco products do not contain any information or markings that are false, misleading, or contrary to:

- (i) federal trademark or tax laws;
- (ii) the trademark law of this State under Title 1, Subtitle 4 of this article; or
- (iii) the tax laws of this State under Title 12 of the Tax – General Article.

(c) A person who ships, imports, or sells other tobacco products into or within this State in violation of this section is subject to disciplinary action by the Executive Director under § 16.5–208 of this subtitle and to the penalty specified in § 13–1015 of the Tax – General Article.

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