

**IN THE  
APPELLATE COURT OF MARYLAND**

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No. 0787, September Term, 2025  
No. ACM-REG-0787-2025

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THE STATE OF MARYLAND, *et al.*,  
*Plaintiffs-Appellants*,

vs.

ENGAGE ARMAMENT LLC, *et al.*,  
*Defendants-Appellees*.

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Appeal from the Circuit Court for Montgomery County  
(The Honorable Ronald B. Rubin  
Circuit Court No. C-15-CV-24-004781)

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**BRIEF OF APPELLEE ENGAGE ARMAMENT LLC**

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## TABLE OF CONTENTS

TABLE OF AUTHORITIES .....	iii
STATUTES, ORDINANCES AND CONSTITUTIONAL PROVISIONS .....	1
STATEMENT OF THE CASE .....	1
A. Introduction .....	1
B. Statutory Framework .....	2
1. Purchaser regulations.....	2
2. Straw purchases .....	5
C. Allegations Relating To Engage.....	6
D. Proceedings Below .....	7
QUESTIONS PRESENTED .....	9
STANDARD OF REVIEW .....	9
ARGUMENT.....	9
I.    THE CIRCUIT COURT PROPERLY HELD THAT THE COMPLAINT FAILS TO ANY FACTS SHOWING THAT THE SALES BY ENGAGE VIOLATED ANY STATUTE .....	9
II.   THE COMPLAINT FAILS TO STATE A CLAIM FOR OTHER REASONS .....	13
A. The Maryland Attorney General Lacks Authority .....	14
B. Nuisance.....	15
C. Dealers Do Not Owe A Duty To The General Public .....	16
D. D.C. Law Is Inapplicable.....	19
E. The Complaint Is Barred By PLCAA.....	19
1. PLCAA Preemption.....	19
2. The Complaint Fails PLCAA’s Predicate Exception .....	21
a. A “knowing violation” under federal law .....	22
b. The federal law of proximate causation .....	25
F. Negligent Entrustment.....	27

III. THIS ACTION IS ALMOST ENTIRELY BARRED BY THE  
APPLICABLE STATUTE OF LIMITATIONS ..... 29

IV. THE CIRCUIT COURT DID NOT ERR IN DENYING LEAVE TO  
AMEND ..... 32

CONCLUSION ..... 35

REQUEST FOR ORAL ARGUMENT

CERTIFICATE OF COMPLIANCE

CERTIFICATE OF SERVICE

STATUTORY ADDENDUM

## TABLE OF AUTHORITIES

	Page(s)
<i>Abramski v. United States</i> , 573 U.S. 169 (2014).....	6, 30
<i>Anza v. Ideal Steel Supply Corp.</i> , 547 U.S. 451 (2006) .....	26, 27
<i>Associated Gen. Contractors of California, Inc. v. California State Council of Carpenters</i> , 459 U.S. 519 (1983) .....	26
<i>Atlas Roofing Co. Inc. v. Occupational Safety &amp; Health Review Commission</i> , 430 U.S. 442 (1977) .....	29
<i>Bank of America Corp. v. City of Miami</i> , 581 U.S. 189 (2017) .....	25-26
<i>Bridge v. Phoenix Bond &amp; Indem. Co.</i> , 553 U.S. 639 (2008) .....	27
<i>Burger v. Healthcare Management Solutions, LLC</i> , No. RDB-23-1215, 2024 WL 473735 (D. Md. 2024).....	17
<i>Bryan v. United States</i> , 524 U.S. 814 (1998) .....	23
<i>Chamber of Commerce of U.S. v. Whiting</i> , 563 U.S. 582 (2011) .....	22
<i>Chang-Williams v. Dep’t. of the Navy</i> , 766 F. Supp. 2d 604 (D. Md. 2011).....	17
<i>City of New York v. Beretta</i> , 524 F.3d 384 (2d Cir. 2008), <i>cert. denied</i> , 556 U.S. 1104 (2009) .....	20
<i>City of Philadelphia v. Beretta, U.S.A. Corp.</i> , 277 F.3d 415 (3d Cir. 2002).....	26
<i>Cofield v. Lead Indus. Ass’n, Inc.</i> , No. MIC-99-3277, 2000 WL 34292681 (D.Md. Aug. 17, 2000) .....	15
<i>Consol. Rail Corp. v. Gottshall</i> , 512 U.S. 532 (1994) .....	26
<i>Coventry Health Care of Missouri, Inc. v. Nevils</i> , 581 U.S. 87 (2017) .....	22
<i>District of Columbia v. Air Florida, Inc.</i> , 750 F.2d 1077 (D.C. Cir. 1984).....	30

	<b>Page(s)</b>
<i>Fox v. Statebridge Co., LLC</i> , No.: 8:21-cv-01972-SAG, 2023 WL 8529121 (D. Md. 2023) .....	18
<i>Halberstam v. Welch</i> , 705 F.2d 472 (D.C. Cir. 1983) .....	24
<i>Healy v. Beer Inst., Inc.</i> , 491 U.S. 324 (1989) .....	19
<i>Hemi Grp., LLC v. City of New York</i> , 559 U.S. 1 (2010) .....	26
<i>Holmes v. Securities Investor Prot. Corp.</i> , 503 U.S. 258 (1992) .....	25-27
<i>Ileto v. Glock, Inc.</i> , 565 F.3d 1126 (9th Cir. 2009), <i>cert. denied</i> , 560 U.S. 924 (2010) .....	20
<i>In re Syngenta AG</i> , 131 F. Supp. 3d 1177 (D. Kan. 2015) .....	15-16
<i>Lexmark Intern., Inc. v. Static Control Components, Inc.</i> , 572 U.S. 118 (2014) .....	25
<i>Lightfoot v. Cendant Mortg. Corp.</i> , 580 U.S. 82 (2017) .....	22
<i>Liparota v. United States</i> , 471 U.S. 419 (1985) .....	23
<i>Medina v. Planned Parenthood South Atlantic</i> , 606 U.S. 357 (2025) .....	18
<i>Minnesota v. Fleet Farm LLC</i> , 679 F.Supp.3d 825 (D. Minn. 2023) .....	28
<i>MSI v. Moore</i> , 116 F.4th 211 (4th Cir. 2024) .....	12
<i>National Pork Prods. Council v. Ross</i> , 598 U.S. 356 (2023) .....	19
<i>NSSF v. James</i> , 144 F.4th 98 (2d Cir. 2025) .....	20, 34
<i>Rehaif v. United States</i> , 588 U.S. 225 (2019) .....	23
<i>Safeco Ins. Co. of America v. Burr</i> , 551 U.S. 47 (2007) .....	23
<i>SEC v. Jarkesy</i> , 603 U.S. 109 (2024) .....	30

	<b>Page(s)</b>
<i>Smith &amp; Wesson Brands, Inc. v. Estados Unidos Mexicanos</i> , 605 U.S. 280 (2025) .....	19, 21, 22, 24, 34
<i>SUEZ Water New York Inc. v. E.I. du Pont de Nemours &amp; Co.</i> , 578 F.Supp.3d 511 (S.D.N.Y. 2022) .....	15
<i>Travieso v. Glock Inc.</i> , 526 F.Supp.3d 533 (D. Ariz. 2021) .....	20
<i>Twitter, Inc. v. Taamneh</i> , 598 U.S. 471 (2023) .....	24
<i>United States v. Root</i> , 585 F.3d 145 (3d Cir. 2009) .....	24
<i>United States v. Standard Oil Co.</i> , 332 U.S. 301 (1947) .....	29
<b>STATE CASES</b>	
<i>Anderson v. Burson</i> , 424 Md. 232 (2011) .....	32
<i>Ashburn v. Anne Arundel Co.</i> , 306 Md. 617 (1986) .....	17
<i>Barclay v. Briscoe</i> , 427 Md. 270 (2012) .....	16
<i>Bennett v. Ashcraft &amp; Gerel, LLP</i> , 259 Md.App. 403 (2023) .....	9
<i>Boyd v. Goodman-Gable-Gould Co.</i> , 251 Md.App. 1 (2021) .....	18-19
<i>Broadwater v. Dorsey</i> , 344 Md. 548 (1997) .....	28
<i>Cain v. Midland Funding, LLC</i> , 475 Md. 4 (2021) .....	8
<i>Caruso Builder Belle Oak, LLC v. Sullivan</i> , 489 Md. 346 (2025) .....	30, 31
<i>Central Collection Unit v. Atlantic Container Line</i> , 277 Md. 626 (1976) .....	29
<i>Chow v. State</i> , 393 Md. 431 (2006) .....	10, 23
<i>City of Chicago v. Beretta U.S.A. Corp.</i> , 821 N.E.2d 1099 (Ill. 2004) .....	13, 15, 29, 30
<i>Civic v. Signature Collision Centers, LLC</i> , 221 A.3d 528 (DC 2019) .....	17

	<b>Page(s)</b>
<i>District of Columbia v. Beretta U.S.A. Corp.</i> , 940 A.2d 163 (DC 2008), cert. denied, 556 U.S. 1104 (2009) .....	20
<i>District of Columbia v. Beretta</i> , 872 A.2d 633 (DC 2005) .....	15, 16
<i>DNR v. Wilson</i> , 308 Md. 54 (1986) .....	29
<i>Doctor’s Weight Loss Centers, Inc. v. Blackston</i> , 487 Md. 476 (2024) .....	19, 31
<i>Fangman v. Genuine Title, LLC</i> , 447 Md. 681 (2016) .....	18
<i>Faya v. Almaraz</i> , 329 Md. 435 (1993) .....	9
<i>Fowler v. Board of County Com’rs of Prince George’s Co.</i> , 230 Md. 504 (1963) .....	15
<i>Eastland Food Corporation v. Mekhaya</i> , 486 Md. 1 (2023) .....	33
<i>Elsberry v. Stanley Martin Companies, LLC</i> , 482 Md. 159 (2022) .....	9
<i>Gourdine v. Crews</i> , 405 Md. 722 (2008) .....	9
<i>Gustafson v. Springfield, Inc.</i> , 333 A.3d 651 (PA 2025) .....	20, 22
<i>Harris v. McKenzie</i> , 241 Md. App. 672 (2019) .....	13
<i>Health Servs. Cost Review Comm’n v. Lutheran Hosp. of Md., Inc.</i> , 298 Md. 651 (1984) .....	25
<i>Hector v. Bank of New York Mellon</i> , 473 Md. 535 (2021) .....	17
<i>In re Academy, Ltd.</i> , 625 S.W.3d 19 (Texas S.Ct. 2021) .....	20, 22, 34
<i>Jacobs v. Flynn</i> , 131 Md.App. 342 (2000) .....	31
<i>Johnson v. Bass Pro Outdoor World, LLC</i> , 320 Kan. 325 (2025) .....	20
<i>Kiriakos v. Phillips</i> , 448 Md. 440 (2016) .....	17
<i>Lewis v. Waletzky</i> , 422 Md. 647 (2011) .....	29

	<b>Page(s)</b>
<i>Litz v. Maryland Dept. of the Environment</i> , 434 Md. 623 (2013).....	31
<i>Lumsden v. Design Tech Builders, Inc.</i> , 358 Md. 435 (2000).....	31
<i>Martin v. Arundel Corp.</i> 216 Md. 184 (1958).....	32
<i>Matter of Isely</i> , 489 Md. 374 (2025) .....	22
<i>Patton v. U.S. of Am. Rugby Football</i> , 381 Md. 627 (2004).....	17
<i>Phelan v. City of Mount Rainer</i> , 805 A.2d 930 (D.C. 2002).....	28
<i>Philip Morris Inc. v. Angeletti</i> , 358 Md. 689 (2000).....	29
<i>Pittway Corp. v. Collins</i> , 409 Md. 218 (2009) .....	27
<i>RRC Northeast v. BAA Maryland, Inc.</i> , 413 Md. 638 (2010) .....	9, 10
<i>Shenker v. Laureate Educ., Inc.</i> , 411 Md. 317 (2009) .....	9-10
<i>Soto v. Bushmaster Firearms Int’l, LLC</i> , No. FBTCV156048103S, 2016 WL 8115354 (Conn. Super. Ct. Oct. 14, 2016).....	27
<i>State v. Lead Industries, Ass’n, Inc.</i> , 951 A.2d 428 (R.I. S.Ct. 2008).....	15
<i>State ex rel. Atty. Gen. v. Burning Tree Club, Inc.</i> , 301 Md. 9 (1984).....	14, 29
<i>Tadger v. Montgomery Cnty.</i> , 300 Md. 539 (1984) .....	29
<i>Troxel v. Iguana Cantina, LLC</i> , 201 Md.App. 476 (2011) .....	27
<i>Valentine v. On Target, Inc.</i> , 353 Md. 544 (1999).....	16, 17
<i>Walton v. Premier Soccer Club, Inc.</i> , 490 Md. 204 (2025).....	26, 27
<i>Warr v. JMGM Group, LLC</i> , 433 Md. 170 (2013).....	16, 17, 33
<i>Whitaker v. Prince George’s Co.</i> , 307 Md. 368 (1986) .....	18
<i>Wietzke v. Chesapeake Conf. Ass’n</i> , 421 Md. 355 (2011).....	15
<i>Zappone v. Liberty Life Ins. Co.</i> , 349 Md. 45 (1998).....	18



<b>CONSTITUTIONS</b>	<b>Page(s)</b>
MD Const. Art. V, § 3 .....	14, 29
MD Const. Art. V, § 3(a)(2) .....	14
<b>STATUTES AND REGULATIONS</b>	
Protection of Lawful Commerce in Arms Act, 15 U.S.C.A. § 7901 <i>et seq.</i> .....	2
§ 7901(a)(3) .....	19
§ 7901(a)(5) .....	19
§ 7901(a)(7) .....	19-20
§ 7901(b)(1) .....	20
§ 7902 .....	28
§ 7902(a) .....	20, 21
§ 7902(b) .....	20-22, 34
§ 7903(5) .....	20
§ 7903(5)(A) .....	21
§ 7903(5)(A)(ii) .....	27
§ 7903(5)(A)(iii) .....	21, 25
§ 7903(5)(A)(iii)(I) .....	23
§ 7903(5)(A)(iii)(II) .....	25
§ 7903(5)(A)(v) .....	26
§ 7903(5)(B) .....	27
18 U.S.C.A. § 922(a)(1)(a) .....	6
18 U.S.C.A. § 922(a)(5) .....	6
18 U.S.C.A. § 922(a)(6) .....	5, 7, 10, 22, 30, 32
18 U.S.C.A. § 922(g) .....	25
18 U.S.C.A. § 922(n) .....	25

	<b>Page(s)</b>
18 U.S.C.A. § 922(t).....	2
18 U.S.C.A. § 923(g)(3)(A).....	2, 3
18 U.S.C.A. § 924(a)(2) .....	10
27 C.F.R. § 478.124(a) .....	3
DC ST Code § 28-5402 .....	33
2024 Maryland Laws, Ch. 714 .....	14-16, 30
2024 Maryland Laws, Ch. 714, § 4 .....	15
MD Code, Courts and Judicial Proceedings, § 3-2501(f)(1).....	14
MD Code, Courts and Judicial Proceedings, § 3-2502(b).....	14
MD Code, Courts and Judicial Proceedings, § 3-2502(c).....	14
MD Code, Courts and Judicial Proceedings, § 3-2503(a)(1) .....	14
MD Code, Courts and Judicial Proceedings, § 3-2503(a)(2) .....	30
MD Code, Courts and Judicial Proceedings, § 5-101 .....	7, 29
MD Code, Criminal Law, § 9-101(a) .....	30
MD Code, Commercial Law, § 12-506(g)(2)(iii).....	33
MD Code, Public Safety, § 5-114 .....	5, 18, 19, 22, 32
MD Code, Public Safety, § 5-114(b)(2)(viii) .....	5, 10, 18
MD Code, Public Safety, § 5-114(c) .....	18
MD Code, Public Safety, § 5-114(d).....	18
MD Code, Public Safety, § 5-115 .....	18
MD Code, Public Safety, § 5-116 .....	18
MD Code, Public Safety, § 5-117 .....	3
MD Code, Public Safety, § 5-117.1 .....	4, 11
MD Code, Public Safety, § 5-117.1(d).....	4

	<b>Page(s)</b>
MD Code, Public Safety, § 5-117.1(f) .....	4
MD Code, Public Safety, § 5-118 .....	4
MD Code, Public Safety, § 5-118(c) .....	3, 30
MD Code, Public Safety, § 5-121 .....	3
MD Code, Public Safety, § 5-123 .....	1, 13
MD Code, Public Safety, § 5-123(a) .....	3
MD Code, Public Safety, § 5-124 .....	12
MD Code, Public Safety, § 5-128 .....	1, 11, 12
MD Code, Public Safety, § 5-128(b) .....	3
MD Code, Public Safety, § 5-129 .....	1, 4, 7, 11-13
MD Code, Public Safety, § 5-129(a) .....	3
MD Code, Public Safety, § 5-134(b)(13) .....	5, 10, 22, 32
MD Code, Public Safety, § 5-136(b) .....	5, 10, 22, 32
MD Code, Public Safety, § 5-141 .....	5, 10
MD Code, Public Safety, § 5-141(a) .....	22, 32
MD Code, Public Safety, § 5-141(b) .....	5
MD Code, Public Safety, § 5-144 .....	23
MD Code, Public Safety, § 5-144(a) .....	10
MD Code, Public Safety, § 5-144(a)(1) .....	5, 22, 32
MD Code, Public Safety, § 5-144(b) .....	5
MD Code, Public Safety, § 5-145(d) .....	31
MD Code, Public Safety, § 5-145(e) .....	31
MD Code, Public Safety, § 5-406 .....	12
9VA ST Code § 18.2-308.2:2R .....	13

	<b>Page(s)</b>
COMAR § 29.03.01.25.....	12
COMAR § 29.03.01.25A.....	3, 11
COMAR § 29.03.01.29.....	4
 <b>RULES</b>	
MD R. 5-201 .....	9
MD R. 8-131(a) .....	25
 <b>OTHER AUTHORITIES</b>	
FBI, <i>NICS Participation Map</i> (Feb. 1, 2024), <a href="https://www.fbi.gov/file-repository/nics-participation-map-020124">https://www.fbi.gov/file-repository/nics-participation-map-020124</a> .....	3
Glock Collectors Association, GCA & GLOCK News, <a href="http://bit.ly/3WPNGVK">http://bit.ly/3WPNGVK</a> (last visited Dec. 14, 2025) .....	12
Maryland Department of State Police, <i>Designated Firearms Collector</i> , <a href="https://bit.ly/4fljr0U">https://bit.ly/4fljr0U</a> (last visited Dec. 14, 2025) .....	4
Maryland State Police, Regulated Firearm Applications, Licenses and Permits, <a href="https://bit.ly/3LsCLPn">https://bit.ly/3LsCLPn</a> (last visited Dec. 14, 2025) .....	12
Maryland State Police Licensing Portal, <a href="https://bit.ly/4quvCxB">https://bit.ly/4quvCxB</a> , (last visited Dec. 14, 2025) .....	3
Restatement (Second) of Torts (1979) .....	24, 27, 28
Scalia & Garner, <i>Reading Law</i> (2012) .....	22
Tactical Training Center, LLC, <i>Why are Glock Pistols So Popular?</i> , <a href="https://bit.ly/3WnIecQ">https://bit.ly/3WnIecQ</a> (last visited Dec. 14, 2025) .....	12

## **STATUTES, ORDINANCES AND CONSTITUTIONAL PROVISIONS**

The relevant statutes, regulations and constitutional provisions are reproduced in the accompanying Statutory Addendum or in the text.

### **STATEMENT OF THE CASE**

#### **A. Introduction**

At issue in this case is the attempt of plaintiffs-appellants, the State of Maryland (“Maryland”) and the District of Columbia (“D.C.”) to use criminal provisions of federal and Maryland law prohibiting straw purchase of handguns to impose common law civil liability on defendant-appellee Engage Armament, LLC (“Engage”) for conducting multiple sales that facially complied with State and federal law. Every sale to the alleged straw purchaser, Demetrius Minor (“Minor”), was approved by the Maryland State Police. Minor was a “Designated Collector” and a holder of a Handgun Qualification License (“HQL”), as approved by the Maryland State Police after conducting separate background investigations. It is undisputed that a “Designated Collector” is entitled under MD Code, Public Safety, § 5-129, to purchase as many handguns as he or she may desire as an exception to the one-handgun-a-month limit otherwise imposed by MD Code, Public Safety, § 5-128. There is no allegation that any Designated Collector has ever before used that status to engage in straw purchases.

It is likewise undisputed that the required State and federal background check was conducted on every sale to Minor during the 7-day waiting period required by MD Code, Public Safety, § 5-123. While Minor was subsequently convicted of violating federal firearms trafficking laws, there is no allegation that Engage knew of Minor’s illicit

activities. It is undisputed that Engage actively cooperated with federal ATF agents in bringing Minor to justice. Maryland and D.C. contend only that Engage may nonetheless be held civilly liable at common law because, according to Maryland and D.C., Engage should have been aware that Minor was a straw purchaser. The Circuit Court rejected that contention and that judgment should be affirmed on multiple grounds, including under the Protection of Lawful Commerce in Arms Act, 15 U.S.C. § 7901 *et seq.* (“PLCAA”).

## **B. Statutory Framework**

### **1. Purchaser regulations**

**Federal Forms:** All purchasers of any firearm from a State-licensed dealer or FFL in Maryland are subject to federal and State background checks. A federal background check is conducted by the FBI under the National Instant Criminal Background Check System (“NICS”). 18 U.S.C. § 922(t). Purchasers must fill out federal Form 4473, which asks a series of questions that demonstrate that the applicant is not a disqualified person under federal law and is the actual purchaser. See Complaint ¶¶ 40-42 (E.57). Such Form 4473s were used by Engage for each of the sales and copies of these Form 4473s were attached to the Motion to Dismiss. E.333.

Federal law also requires that the dealer fill out ATF Form 3310.4 in all instances in which a non-FFL purchaser buys two or more handguns within five days. 18 U.S.C. § 923(g)(3)(A). Form 3310.4 is sent to the ATF and the same information is forwarded to

State law enforcement. 18 U.S. § 923(g)(3)(A). In this case, a Form 3310.4 was filed out by Engage for each such sale to Minor.<sup>1</sup> See 27 C.F.R. § 478.124(a).

**State Form 77R:** Maryland requires that every purchaser of a handgun fill out an application to purchase known as State “Form 77R.” MD Code, Public Safety, § 5-117. The applicant electronically submits the application at the “licensing portal” managed by the Maryland State Police. See <https://bit.ly/4quvCxB>. False information on this form is a crime. MD Code, Public Safety, § 5-118(c). The Maryland State Police is the “point of contact” with the federal NICS system for handgun sales and thus receives both the 77R and the 4473 for every sale. <https://www.fbi.gov/file-repository/nics-participation-map-020124>. The Maryland State Police use Form 4473 to conduct the NICS background check and uses Form 77R to conduct the background check of applicants using State databases, as required by MD Code, Public Safety, § 5-121. MD Code, Public Safety, § 5-123(a), imposes a 7-day waiting period on handgun sales.

**Designated Collector:** Maryland law provides that “[a] person may not purchase more than one regulated firearm in a 30-day period.” MD Code, Public Safety, § 5-128(b). However, Maryland law makes an exception for what are known as “Designated Collectors.” MD Code, Public Safety, § 5-129(a). Under State Police regulations, “[a] person shall be designated as a collector by the Secretary before applying for a multiple purchase of regulated firearms as a collector.” COMAR § 29.03.01.25A. The Designated

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<sup>1</sup> See E.360, 368, 376, 384, 392, 418, 432, 441, 449, 457.

Collector “status allows for multiple firearm purchases.” <https://bit.ly/4fljr0U>. Every 77R contains an indication on the top of the first page as to whether the purchaser is a “Designated Collector” within the meaning of Section 5-129 and each 77R affirmatively identified Minor as a “Designated Collector.”<sup>2</sup>

**The HQL Requirement:** All purchasers of handguns in Maryland, with few exceptions, must have a Handgun Qualification License (“HQL”). MD Code, Public Safety, § 5-117-1. The Form 77R must include “the applicant’s handgun qualification license number.” MD Code, Public Safety, § 5-118. To obtain an HQL, the applicant must apply to the State Police and must complete “a firearms safety training course approved by the Secretary that includes: (i) a minimum of 4 hours of instruction by a qualified handgun instructor; (ii) classroom instruction on: 1. State firearm law.” MD Code, Public Safety, § 5-117-1(d). Each applicant for an HQL must submit fingerprints taken by a State certified “live scan” vendor and must be investigated by the Maryland State Police before the HQL is issued. *Id.* at § 5-117.1(f). See COMAR § 29.03.01.29. Each of the 77Rs for sales to Minor show that Minor possessed an HQL.<sup>3</sup> Each 77R likewise indicates the “NICS number” and the date that the sale cleared the FBI NICS background check conducted by the Maryland State Police. *Id.* Each 77R shows that the sale was “NOT DISAPPROVED” by the State Police. E.236, 241, 246, 251, 257, 263, 269, 274, 279, 284, 289, 300, 305, 312,

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<sup>2</sup> See E.235, *et seq.*

<sup>3</sup> *Id.*



318, 323, 328. All these facts may be judicially noticed, and the Circuit Court did so below without objection.

## **2. Straw purchases**

MD Code, Public Safety, § 5-114(b)(2)(viii), provides that a dealer's license may be revoked if the dealer has "knowingly or willfully participated in a straw purchase of a regulated firearm." MD Code, Public Safety, § 5-136(b), provides that "[a] person may not knowingly or willfully participate in a straw purchase of a regulated firearm. MD Code, Public Safety, § 5-134(b)(13), provides that "[a] dealer or other person may not sell ... a regulated firearm to a purchaser ... who the dealer or other person knows or has reasonable cause to believe: ... is a participant in a straw purchase." A violation of these provisions is criminally punishable **only** under MD Code, Public Safety, § 5-144(a)(1),(b), which provides that a "knowingly participat[ion] in the illegal sale ... of a regulated firearm in violation of this subtitle" is punishable by up to five years imprisonment.

In addition, MD Code, Public Safety, § 5-141, provides that "[a] dealer or other person may not be a knowing participant in a straw purchase of a regulated firearm for a minor or for a person prohibited by law from possessing a regulated firearm." A violation of Section 5-141 is separably punishable under § 5-141(b). Other than license revocation under Section 5-114, there is no provision allowing civil enforcement of any of these laws. Federal law, in effect at the time of these alleged purchases (2021), punished straw purchasers under 18 U.S.C. § 922(a)(6), which makes it a crime for any person to

“knowingly” make a false statement on Form 4473. See *Abramski v. United States*, 573 U.S. 169 (2014).

### **C. Allegations Relating To Engage**

Plaintiffs allege that Engage sold “twenty-five handguns” to Minor over “a five-month period,” E.63, and that the “vast majority” of the firearms Minor purchased from Engage were sold to “his relative, Mr. Willis,” E.62-63, who is alleged to have transferred these firearms “to other dangerous individuals.” E.47. There is no dispute that Engage submitted all required forms for all sales to Minor, as required by State and federal law. (E.235, 333). It is undisputed that Engage cooperated with the ATF and local law enforcement in arranging a “sting” operation that resulted in the arrest of Minor once Engage had been notified by the ATF of its belief that Minor was illegally selling firearms. E.473, 476, 481-82.

Willis was charged with a conspiracy to violate 18 U.S.C. §§ 922(a)(1)(A) and 922(a)(5) (E.509-10) and pled guilty to a conspiracy with Minor “to engage in the Illegal Interstate Transfer of Firearms, in violation of 18 U.S.C. § 922(a)(5).” *Id.* ECF #67 at 2 (filed July 26, 2023). Minor was charged with and entered into a plea agreement for “Engaging in the Business of Dealing in Firearms Without a License, in violation of 18 U.S.C. § 922(a)(1)(A).” *Id.* ECF #50 at 1 (filed Mar. 16, 2023). E.189,508. Neither Willis

nor Minor was charged with straw purchasing or conspiracy under 18 U.S.C. § 922(a)(6). E.508-10.

#### **D. Proceedings Below**

The complaint was filed September 3, 2024. E.44. Defendants filed motions to dismiss for failure to state a claim and attached to their motions the forms applicable to each alleged sale at issue in the complaint and the documents associated with the federal proceedings against Minor and Willis. The Circuit Court granted the motions to dismiss (E.25) and took judicial notice of the attachments without objection. E.30-33. The court noted that Minor had a HQL and was investigated and approved by the Maryland State Police as a “Designated Collector” and thus statutorily entitled to purchase an unlimited number of handguns at the same time under Section 5-129. The court ruled that the “complaint fails to allege any facts, or non-conclusory assertions, that to someone in the position of the defendants, Minor was anything other than a permitted Designated Collector of handguns.” E.36-38.

The court then applied Maryland’s three-year statute of limitations, MD Code, Courts and Judicial Proceedings, § 5-101, holding that “[a]ll sales by Engage, except one, took place before September 3, 2021.” RE.38. Applying Maryland’s “discovery rule (*id.*), the court ruled that “[t]he Form 77R contains all of the information and facts the plaintiffs claim support their contention that these were straw sales and that the defendants had reason to know that the purchases were such” and thus Maryland “had actual notice” of

“the exact same information that plaintiffs contend . . . should have put the defendants on notice that Minor was a straw purchaser.” E.39.

The court further ruled that “the plaintiffs cannot reasonably dispute that they could have discovered, through a reasonable investigation of Maryland’s own records, all of the facts they now contend constituted straw purchases by Minor.” E.40. The court held that the “wrong alleged in this case is the ‘obvious’ straw sale to Minor and the harm, which was the violation of the statutory prohibition against straw purchases, occurred at the time of the sale.” *Id.* Holding that the “straw sale was complete, under the theory outlined in the complaint, at the time Minor took possession of each handgun he did not intend to put into his ‘collection,” the court reasoned that “[h]ad the plaintiffs looked at the Maryland State Police records at the time of each sale, they reasonably should have known of the wrong complained of in this case.” *Id.*, citing *Cain v. Midland Funding, LLC*, 475 Md. 4, 35 (2021).

The court noted that “the plaintiffs also have had access to all pertinent ATF records, Maryland State Police Records, and the federal criminal proceedings against Minor and the individuals to whom Minor transferred handguns, since at least July of 2022.” The court explained that “[i]f Minor shared information showing that the defendants knew of his intent to engage in straw purchases, such information would be in the complaint” and that “[i]f the plaintiffs had facts showing that the defendants knew that Minor was purchasing the firearms for someone else, those facts would be in the complaint.” E.42. The court thus denied leave to amend, ruling that the “plaintiffs’ claims are simply not viable, and any amendment would be futile.” E.43.

## QUESTIONS PRESENTED

1. Whether the complaint fails to state a claim on the grounds identified by the Circuit Court.
2. Whether the complaint fails to state a claim on multiple alternative grounds that the Circuit Court felt no need to reach.
3. Whether the Circuit Court properly applied the statute of limitations.
4. Whether the Circuit Court properly exercised its discretion in denying leave to amend the complaint.

## STANDARD OF REVIEW

Whether the complaint states a claim is reviewed *de novo*. *Elsberry v. Stanley Martin Companies, LLC*, 482 Md. 159, 178 (2022). A court may take judicial notice of matters under Maryland Rule 5-201, including “matters of common knowledge or capable of certain verification.” *Faya v. Almaraz*, 329 Md. 435, 443-44 (1993). “The existence of a legal duty is a question of law, to be decided by the court.” *Gourdine v. Crews*, 405 Md. 722, 732 (2008). Denial of leave to amend is reviewed for abuse of discretion. *RRC Northeast v. BAA Maryland, Inc.*, 413 Md. 638, 673 (2010).

## ARGUMENT

### **I. THE CIRCUIT COURT PROPERLY HELD THAT THE COMPLAINT FAILS TO ANY FACTS SHOWING THAT THE SALES BY ENGAGE VIOLATED ANY STATUTE**

“A court ... need not accept the truth of pure legal conclusions ... or of ‘[m]ere conclusory charges that are not factual allegations.’” *Bennett v. Ashcraft & Gerel, LLP*, 259 Md.App. 403, 451 (2023), quoting *Shenker v. Laureate Educ., Inc.*, 411 Md. 317, 335

(2009). Facts must be “pleaded with sufficient specificity; bald assertions and conclusory statements by the pleader will not suffice.” *RRC Northeast, LLC v. BAA Md., Inc.*, 413 Md. 638, 644 (2010). The only **facts** alleged are that Engage sold “multiple guns” to Minor from April 6, 2021, to September 15, 2021, and that some of these guns were “substantially similar” or identical or took place over a six-month period and, supposedly, were not the type of guns that are “collectable.” Complaint ¶¶ 61-63 (E.63-64). None of these allegations are sufficient.

Plaintiffs argue that defendants had “reasonable cause to believe that Minor was a straw purchaser” in violation of State and federal law. Br. at 15. But a prosecution under Maryland’s straw purchase statutes requires **actual** knowledge that the sale is illegal. Section 5-141 require a “knowing” participation in a straw purchase. Section 5-136(b) requires that participation be “knowingly or willfully,” as does Section 5-114(b)(2)(viii). While Section 5-134(b)(13) provides that a person may not sell a firearm to a person “who the dealer or person knows or has reasonable cause to believe ... is a straw purchaser,” that provision is prosecuted only under Section 5-144(a), which requires that the participation in the sale be “knowingly.” *Chow v. State*, 393 Md. 431, 471 (2006), holds that Section 5-144(a)’s “knowingly” requirement means “that a defendant ‘knows’ that the sale ... of a regulated firearm of which they are a participant in is in a manner that is illegal and not a legal sale.” The federal law likewise impose a “knowingly” *mens rea* for a sale violative of Section 922(a)(6). 18 U.S.C. § 924(a)(2).

Every sale to Minor was, on its face, perfectly lawful. Minor had an HQL and thus had been fingerprinted, received training in Maryland law and was subjected to a thorough background check under MD Code, Public Safety, § 5-117.1. E.526. Minor was a State Police approved “Designated Collector” under MD Code, Public Safety, § 5-129, and thus had been subjected to still another background investigation by the State Police before receiving that status. See COMAR § 29.03.01.25A. A “Designated Collector” is permitted to purchase multiple handguns without limit and without regard to the 30-day waiting period otherwise imposed by MD Code, Public Safety, § 5-128. Each of those sales over six months was reported to the ATF on the required federal forms and cleared a federal NICS check. All those sales were approved by the State Police.

Engage had every reason to think that the sales to Minor were lawful. From the 77Rs, Engage knew for certain that Minor had an HQL and was a “Designated Collector,” and thus understood that Minor had been extensively background-checked by the State Police. See, e.g., E.236. Every sale to Minor over six months had been approved by the State Police and by federal NICS authorities without a single objection or delay. Collectors are allowed by State law to purchase multiple handguns of any type or any number under Section 5-129. FFLs all understand that collectors (by definition) buy and sell all kinds of firearms all the time and often do so in bulk, as Maryland State Police regulations recognize. See COMAR § 29.03.01.25.

Plaintiffs argue that number and type of handguns sold were “red flags” that should have put Engage on notice. Br. at 15-16. But again, nothing in Section 5-129 purports to

limit the number or type of handguns a “Designated Collector” may purchase or collect. Most of the handguns sold by Engage to Minor were different models of Glock. E.63-64. Glock pistols are highly popular and often collected. <https://bit.ly/3WnIecQ>. There is even a “Glock Collectors Association.” See <http://bit.ly/3WPNGVK>. Every handgun sold to Minor, *including* the one “AK-style pistol” that Minor purchased from Engage (E.63) was on the Maryland Handgun Roster and thus approved for sale in Maryland under MD Code, Public Safety, § 5-406. <https://bit.ly/3LsCLPn>. Every firearm purchased by Minor may be lawfully resold in secondary transactions in which collectors trade or sell guns from their collections. MD Code, Public Safety, § 5-124.

Plaintiffs’ so-called “red flags” also do not take into account Maryland’s strict regulatory system for handgun sales. See *MSI v. Moore*, 116 F.4th 211, 228 & n.18 (4th Cir. 2024) (en banc) (noting that the “77R process” and the HQL requirement “help ensure that an applicant is not prohibited from possessing a handgun” and prevent “straw purchases”). Maryland is an outlier in the United States in not only having a Handgun Roster of approved handguns, but also in imposing a strict purchase limit of one handgun every 30 days on top of the HQL permit-to-purchase requirement. MD Code, Public Safety, § 5-128. Only Maryland has a categorial exception for “Designated Collectors” who must be



investigated and approved by the State Police before that status is accorded. MD Code, Public Safety, § 5-129.<sup>4</sup>

Maryland's 77R system is likewise unusual, as is the 7-day waiting period imposed by MD Code, Public Safety, § 5-123. To our knowledge, Minor is the first and only "Designated Collector" ever to be charged with trafficking. In these circumstances, holding FFLs liable in tort for the conduct of Minor, Willis and others would effectively impose strict liability on FFLs for the post-sale conduct of independent third parties. See *City of Chicago v. Beretta U.S.A. Corp.*, 821 N.E.2d 1099, 1137 (Ill. 2004) (rejecting such strict liability). That result is incompatible with the "knowing" participation condition to liability imposed by State and federal law. Dealers are entitled to rely on Maryland's strict regulatory system and Designator Collector statute. Given that regulatory system, Engage cannot be reasonably faulted for failing to perceive Minor's illicit conduct, especially where the State Police, with their trained personnel and investigatory resources, likewise failed to do so. E.39 ("the Maryland State Police had more knowledge of the sales to Minor than any of the defendants individually"). Indeed, on plaintiffs' theory the Metropolitan Police Department would be liable. See <https://bit.ly/4h8ZtqF> (Apr. 3, 2024).

## **II. THE COMPLAINT FAILS TO STATE A CLAIM FOR OTHER REASONS**

An appellate court may affirm the judgment below "on any ground adequately shown by the record, even one upon which the circuit court has not relied or one that the parties have not raised." *Harris v. McKenzie*, 241 Md. App. 672, 678 (2019) (cleaned up).

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<sup>4</sup> Compare VA ST § 18.2-308.2:2R.

Such issues are solely questions of law, all of which were raised by Engage below. These legal issues should be decided by this Court to avoid a second appeal and thus conserve the resources of the parties.

**A. The Maryland Attorney General Lacks Authority**

All of Maryland's claims fail because the Attorney General has not been authorized to bring common law tort actions. His authority is limited by the Maryland Constitution, Art. V, § 3. The complaint (¶ 16, E.49) relies exclusively on the authority accorded by Section 3(a)(2) of Article V, but that subsection authorizes suits only where "the General Assembly by law or joint resolution, or the Governor, shall have directed or shall direct to be investigated, commenced and prosecuted or defended." *State ex rel. Atty. Gen. v. Burning Tree Club, Inc.*, 301 Md. 9, 32-33 (1984), holds that "the Attorney General of Maryland possesses no common law powers" and **lacks** "broad authority to initiate those suits which he believes are necessary to uphold the public interest." Without statutory authorization, the Attorney General's suit must be dismissed as *ultra vires*.

By contrast, the General Assembly *has* enacted a "nuisance" statute, 2024 Maryland Laws, Ch. 714, that authorizes the Attorney General to bring suit for firearm "sales" that were "knowingly," "unlawful," or "unreasonable under the totality of the circumstances." MD Code, Courts and Judicial Proceedings, §§ 3-2502(b),(c), 2503(a)(1). Such suit may include any failure by a dealer to establish "reasonable controls" that prevent a sale to "[a] straw purchaser." *Id.* §§ 3-2501(f)(1), 3-2502(b). This legislation took effect on June 1,

2024, and is not retroactive. Ch. 714, § 4. As Chapter 714 illustrates, the General Assembly knows how to authorize suits by the Attorney General. That authorization is lacking here.

## **B. Nuisance**

Count I (common law “public nuisance”) (E.69) fails for a lack of a judicially enforceable duty. A public nuisance claim requires that the defendant have “a duty ... to physically abate the claimed public nuisances.” *Fowler v. Board of County Com’rs of Prince George’s Co.*, 230 Md. 504, 507-08 (1963). The plaintiff must “plead and prove that the defendant has control over the alleged nuisance” which must “be within the exclusive control of the defendant.” *Cofield v. Lead Indus. Ass’n, Inc.*, 2000 WL 34292681 at \*7 & n.9 (D.Md. Aug. 17, 2000) (“an action for either public or private nuisance requires the plaintiff to plead and prove that the defendant has control over the alleged nuisance”). See also *State v. Lead Industries, Ass’n, Inc.*, 951 A.2d 428, 449 (R.I. S.Ct. 2008) (liability “turns on whether the defendants were in control”). The complained of condition must also interfere with or “affect[]” the “*property rights of the public.*” *Wietzke v. Chesapeake Conf. Ass’n*, 421 Md. 355, 374-75 (2011) (emphasis added). The complaint is devoid of these required factual allegations.

“[I]mposing a duty upon commercial enterprises to guard against the criminal misuse of their products by others will be an unprecedented expansion of the law of public nuisance.” *City of Chicago*, 821 N.E.2d at 1126. See also *District of Columbia v. Beretta*, 872 A.2d 633, 649-50 (DC 2005) (same); *SUEZ Water New York Inc. v. E.I. du Pont de Nemours & Co.*, 578 F.Supp.3d 511, 546 (S.D.N.Y. 2022); *In re Syngenta AG*, 131 F. Supp.

3d 1177, 1214 (D. Kan. 2015). Such expansion is especially unwarranted here as it would allow the Attorney General to ignore the new “nuisance” provisions of Chapter 714 that address the same subject matter. See *Beretta*, 872 A.2d at 650-51.

### **C. Dealers Do Not Owe A Duty To The General Public**

Count II (common law negligence) is brought by both plaintiffs. E.73. Count III (common law negligence *per se*) is brought only by D.C. E.76. Count IV (common law negligence (statute or ordinance rule)) is brought only by Maryland E.78. These negligence claims must be dismissed because they fail to allege a breach of a cognizable duty.

*Valentine v. On Target, Inc.*, 353 Md. 544, 553 (1999), squarely holds that “[o]ne cannot be expected to owe a duty to the world at large to protect it against the actions of third parties, which is why the common law distinguishes different types of relationships when determining if a duty exists.” *Warr v. JMGM Group, LLC*, 433 Md. 170, 193-94 (2013), quoting *Valentine*, 353 Md. at 553. *Warr* thus holds that “[w]hen the harm is caused by a third party, rather than the first person, as is the case here, our inquiry is not whether the harm was foreseeable, but, rather, whether the person or entity sued had control over the conduct of the third party who caused the harm by virtue of some special relationship.” 433 Md. at 183. As *Warr* explains, “a duty does not exist to the general public, with respect to harm caused by a third party, absent the existence of a special relationship between the person sued and the injured party or the person sued and the third party.” 433 Md. at 184. See also *Barclay v. Briscoe*, 427 Md. 270, 299-300 (2012) (“The fact that a result may be

foreseeable does not itself impose a duty in negligence terms”), quoting *Ashburn v. Anne Arundel Co.*, 306 Md. 617, 628 (1986).

The Court applied these principles in *Kiriakos v. Phillips*, 448 Md. 440, 457 (2016). *Kiriakos* distinguished *Warr* on grounds that the statute at issue (underage drinking in the home) was enacted to “protect a specific class of persons” that included the minor plaintiff in that case. But in so holding the Court also reaffirmed *Warr*’s holding that a violation of a statute that “was part of a scheme designed to protect a general class of people” cannot support liability. *Id.* at 459. See also *Hector v. Bank of New York Mellon*, 473 Md. 535, 559 (2021). D.C. law is in accord. *Civic v. Signature Collision Centers, LLC*, 221 A.3d 528, 530 (DC 2019). See also *Ashburn v. Anne Arundel Cnty.*, 306 Md. 617, 628 (1986) (requiring “a special relationship exists either between the actor and the third person or between the actor and the person injured”); *Burger v. Healthcare Management Solutions, LLC*, 2024 WL 473735 at \*8 (D. Md. 2024) (collecting Maryland case law). “This ‘special relationship’ exception to the general bar against liability is narrowly construed.” *Chang-Williams v. Dep’t. of the Navy*, 766 F. Supp. 2d 604, 620 (D. Md. 2011), quoting *Patton v. U.S. of Am. Rugby Football*, 381 Md. 627, 642 (2004).

All the criminal statutes on which plaintiffs rely were “enacted part of a scheme designed to protect a general class of people” (the public) and thus do not create a “specific class of persons,” as required by *Valentine*, *Warr* and *Kiriakos*. Plaintiffs have not alleged that Engage exercised any “control” over or had a special relationship with Minor or with any person allegedly harmed by sales to Minor. That reality precludes “statutory negligence

claims” as well as negligence *per se* claims. *Fox v. Statebridge Co., LLC*, 2023 WL 8529121 at \*10 (D. Md. 2023), relying on *Fangman v. Genuine Title, LLC*, 447 Md. 681, 694-95 (2016). Nothing in this legislative scheme “confers a beneficial right upon a particular class of persons.” *Fangman*, 447 Md. at 694. Similarly, federal statutes do not create a private cause of action unless Congress “unambiguously conferred” such a right. *Medina v. Planned Parenthood South Atlantic*, 606 U.S. 357, 376 (2025). That test is not met here.

Tellingly, the only *civil* remedy created by the General Assembly is a revocation of a dealer’s license under Section 5-114(b)(2)(viii), for “knowingly or willfully” participating in a straw purchase. Any such revocation would afford complete prospective relief, thereby obviating any need for an equitable remedy. *Whitaker v. Prince George’s Co.*, 307 Md. 368, 378 (1986). Dealers have a panoply of due process rights in such proceedings. See §§ 5-114(c),(d); 5-115; 5-116. Allowing common law claims against dealers for such alleged conduct would nullify the role of an expert agency (the State Police), negate the statutory rights of dealers and conflict with the regulatory scheme enacted by the General Assembly in Section 5-114. Such administrative proceedings are thus exclusive. *Zappone v. Liberty Life Ins. Co.*, 349 Md. 45, 60-64 (1998); *Boyd v.*

*Goodman-Gable-Gould Co.*, 251 Md.App. 1, 24-26 (2021). The State Police has not invoked Section 5-114 proceedings against any of the defendants.

**D. D.C. Law Is Inapplicable**

Count III (E.76) is brought solely by D.C. under D.C. “*per se* negligence” law and must be dismissed on the additional ground that D.C. law is inapplicable. Maryland follows *lex loci delicti* choice of law principles under which the law of the jurisdiction where the allegedly wrongful conduct took place controls. *Doctor’s Weight Loss Centers, Inc. v. Blackston*, 487 Md. 476, 492-93 (2024). That location is Maryland, where all the challenged sales took place between *Maryland* businesses and a *Maryland* resident (Minor), allegedly in violation of *Maryland* statutes. D.C. also may not enact or enforce a law “that has the ‘practical effect’ of regulating commerce occurring wholly outside that State’s borders” because such a law “is invalid under the Commerce Clause.” *Healy v. Beer Inst., Inc.*, 491 U.S. 324, 332, 336 (1989). See also *National Pork Prods. Council v. Ross*, 598 U.S. 356, 376 n.1 (2023). Count III fails for these additional reasons.

**E. The Complaint Is Barred By PLCAA**

**1. PLCAA Preemption**

In 2005, Congress passed PLCAA “in response to a spate of litigation trying to hold gun companies liable in tort for harms ‘caused by the misuse of firearms by third parties, including criminals.’” *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 285 (2025), quoting 15 U.S.C. § 7901(a)(3). See also 15 U.S.C. § 7901(a)(5); 15

U.S.C. § 7901(a)(7). This case is an example of such an abusive use of litigation and is barred by PLCAA.

PLCAA prevents such “lawfare” by prohibiting “causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products, and their trade associations, for the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.” 15 U.S.C. § 7901(b)(1). “The law generally preempts ‘civil action[s] ... resulting from the criminal or unlawful misuse of a qualified product,’” regardless of whether the “action” is based on a statute or common law. *Travieso v. Glock Inc.*, 526 F.Supp.3d 533, 546 (D. Ariz. 2021), quoting 15 U.S.C. § 7903(5). See also *NSSF v. James*, 144 F.4th 98, 118 (2d Cir. 2025) (Jacobs, J., concurring).

PLCAA provides that “[a] qualified civil liability action *may not be brought* in any Federal or State court.” 15 U.S.C. § 7902(a) (emphasis added). If pending, such actions “shall be *immediately dismissed* by the court.” 15 U.S.C. § 7902(b) (emphasis added). This “immunity” is from the “civil action” itself. *Ileto v. Glock, Inc.*, 565 F.3d 1126, 1142 (9th Cir. 2009), *cert. denied*, 560 U.S. 924 (2010); *City of New York v. Beretta*, 524 F.3d 384, 398 (2d Cir. 2008), *cert. denied*, 556 U.S. 1104 (2009); *In re Academy, Ltd.*, 625 S.W.3d 19, 35 (Texas S.Ct. 2021); *Johnson v. Bass Pro Outdoor World, LLC*, 320 Kan. 325 (2025); *Gustafson v. Springfield, Inc.*, 333 A.3d 651 (PA 2025); *District of Columbia v. Beretta U.S.A. Corp.*, 940 A.2d 163 (DC 2008), *cert. denied*, 556 U.S. 1104 (2009). Here, the damages for which plaintiffs seek recovery all stem from “the criminal or unlawful misuse



of firearms.” See, e.g., E.71-73. This suit is therefore a “qualified civil action” within the meaning of Section 7902(a) and is barred unless the suit falls into one of the PLCAA’s exceptions set forth in 15 U.S.C. § 7903(5)(A).

## **2. The Complaint Fails PLCAA’s Predicate Exception**

PLCAA provides that an otherwise banned “qualified civil liability action” “shall not include” the types of actions specified in 15 U.S.C. § 7903(5)(A)(iii), which is known as the “predicate exception.” That exception permits “an action in which a manufacturer or seller of a qualified product *knowingly* violated a State or Federal statute applicable to the sale or marketing of the product, *and the violation was a proximate cause of the harm for which relief is sought.*” *Id.* (emphasis added). **All** of plaintiffs’ claims are “predicated” on the contention that defendants violated “State and federal firearms law applicable to the sale” of firearms. Complaint ¶ 85 (E.70), ¶ 99 (E.74); ¶ 109 (E.76-77); ¶ 117 (E.78-79); ¶ 125 (E.80). Accordingly, all these claims are barred *unless* they satisfy the conditions imposed by the predicate exception.

Engage has **never** been charged with or convicted of a violation of any of the statutes on which plaintiffs rely. The predicate exception contemplates “not only a plausible allegation that a defendant has committed a predicate violation, but also an earlier finding of guilt or liability in an adjudication regarding the ‘violation.’” *Smith & Wesson*, 605 U.S. at 300 (Thomas, J., concurring). Such prior adjudication of a violation is a prerequisite to any civil suit in which the plaintiff relies on the predicate exception, as plaintiffs do in this case. See P. Opp. to Motion to Dismiss at 15 (filed 12/21/2024). Otherwise, mere

allegations will defeat the immunity *from suit* accorded by Section 7902(b) by allowing plaintiffs to inflict the very costs and other “lawfare” harm that PLCAA was enacted to prevent. See, e.g., *In re Academy, Ltd.*, 625 S.W.3d at 35 (granting mandamus relief); Part IV, *infra*. But even assuming *arguendo* that a prior finding of liability is *not* required, this case is *still* barred under Section 7902(b) because, as demonstrated below, the factual allegations of the complaint are insufficient to show that this suit is allowed by the predicate exception. Any other result would impermissibly allow the predicate exception to “swallow most of the rule.” *Smith & Wesson*, 605 U.S. at 299.

Because PLCAA is an express federal preemption statute, the scope and meaning of the statute’s terms are governed exclusively by federal law, *viz.*, “Congress’ preemptive intent” and the “plain wording” of the statute. *Chamber of Commerce of U.S. v. Whiting*, 563 U.S. 582, 594 (2011). See also *Coventry Health Care of Missouri, Inc. v. Nevils*, 581 U.S. 87, 95-96 (2017); *Gustafson*, 333 A.3d at 662-63; *Matter of Isely*, 489 Md. 374, 383 (2025). See E.639-40, 707-08. PLCAA employs terms that were interpreted by the Supreme Court or lower federal courts prior to the enactment of PLCAA. Under the “prior construction canon,” these terms must be applied in accordance with these prior decisions. See, e.g., *Lightfoot v. Cendant Mortg. Corp.*, 580 U.S. 82, 95-96 (2017); Scalia & Garner, *Reading Law*, § 54 at 322 (2012). State law is irrelevant.

**a. A “knowing violation” under federal law**

The predicate exception’s “knowingly” requirement preempts any liability based on Section 5-134(b)(13)’s “reasonable cause to believe” standard, which is enforceable only

under Section 5-144(a)(1) “knowingly” standard. Section 5-134(b)(13) also adopts a “knowing” requirement, as do Sections 5-141(a), 5-136(b), 5-114, and 922(a)(6). These “knowing” requirements preclude plaintiffs’ argument that Engage “should have known” about Minor’s illicit activities. See Br. at 15, 20, 26, 29. Plaintiffs’ complaint fails because it fails to allege facts that show that Engage “knew” that Minor was a straw purchaser.

In *Liparota v. United States*, 471 U.S. 419, 433-34 & n.9 (1985), the Supreme Court held that a “knowingly” violation “requires a showing that the defendant knew his conduct to be unauthorized by statute or regulations” and that the defendant “knew that his conduct was unauthorized or illegal.” See also *Rehaif v. United States*, 588 U.S. 225, 234 (2019) (following *Liparota*). Similarly, “in order to establish a ‘willful’ violation of a statute, ‘the Government must prove that the defendant acted *with knowledge that his conduct was unlawful.*’” *Bryan v. United States*, 524 U.S. 814, 191-92 (1998) (citation omitted) (emphasis added). The same point applies to the even more demanding requirement of a “knowing violation.” See *Safeco Ins. Co. of America v. Burr*, 551 U.S. 47, 58-60 (2007) (“knowing violations are sensibly understood as a more serious subcategory of willful ones”). These *mens rea* requirements protect persons who are not blame-worthy. *Liparota*, 471 U.S. at 425-26. See also *Chow*, 393 Md. at 471 (the “knowing” requirement of Section 5-144 means that a defendant must know “that the sale ... is illegal and not a legal sale”). The complaint is devoid of such factual allegations.

The complaint also fails under the “aiding and abetting” and “conspiracy” provisions of Section 7903(5)(A)(iii)(I). The complaint alleges that Engage “aided, abetted,

or conspired with” Minor, Complaint ¶¶ 45, 57 (E.58, 61), but those allegations are conclusory. *Twitter, Inc. v. Taamneh*, 598 U.S. 471 (2023), holds that the plaintiff must allege facts sufficient to show that Defendants “consciously and culpably ‘participate[d] in’ a tortious act in such a way as to help ‘make it succeed.’” 598 U.S. at 497 (citation omitted). A plaintiff must allege an “affirmative act with the intent of facilitating the offense’s commission.” 598 U.S. at 490. *Smith & Wesson* applied *Twitter*, holding that Mexico’s complaint in that case “does not plausibly allege the kind of “conscious ... and culpable participation in another’s wrongdoing” needed to make out an aiding-and-abetting charge.” 605 U.S. at 292. The complaint fails for the same reason.

Plaintiffs likewise fail to allege facts sufficient to show that Engage “knowingly” conspired with Minor. *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), makes clear that civil liability for conspiracy requires that the defendant “*does a tortious act in concert with the other or pursuant to a common design with him.*” 705 F. at 477, quoting the Restatement (Second) of Torts § 876 (1979) (emphasis the court’s). That test was adopted in *Twitter*. See 598 U.S. at 485. The complaint does not allege facts that show that Engage “knew” that Minor was trafficking or a straw purchaser and nonetheless entered into an agreement or “common design” to facilitate these crimes *despite* having that actual knowledge. See *United States v. Root*, 585 F.3d 145, 158 (3d Cir. 2009) (“the evidence must be sufficient to show” that the harm “was one of the conspiracy’s objects, and not merely a foreseeable consequence or collateral effect”).

Similarly, nothing in the complaint alleges that Engage “knew” or even had “reasonable cause to believe” that the “actual buyer” was prohibited from possessing firearms under Section 922(g) or under Section 922(n) as required by Section 7903(5)(A)(iii)(II). The complaint does not allege that Engage knew of Willis or of any transfers made by Minor. Trafficking and straw purchases are not covered by Section 922(g) (illegal possession) or Section 922(n) (indictment). Only these specific kinds of sales are subject to “reasonable cause to believe” and “actual buyer” standard of Section 7903(5)(A)(iii)(II). Plaintiffs have not relied on (or even cited) this part of the predicate exception, either below or in their opening brief and thus have forfeited any such claim. Maryland Rule 8-131(a); *Health Servs. Cost Review Comm'n v. Lutheran Hosp. of Md., Inc.*, 298 Md. 651, 664 (1984).

**b. The federal law of proximate causation**

The complaint also fails to allege sufficient facts to meet the federal “proximate causation” requirement of Section 7903(5)(A)(iii). Under *Holmes v. Securities Investor Prot. Corp.*, 503 U.S. 258, 268–69 (1992), “a plaintiff who complain[s] of harm flowing merely from the misfortunes visited upon a third person by the defendant’s acts [is] generally said to stand at too remote a distance to recover.” *Lexmark Intern., Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 132 (2014), holds that a harm is “too remote” where “the harm is purely derivative of ‘misfortunes visited upon a third person by the defendant’s acts.’”), quoting *Holmes*, 503 U.S. at 268-69. “[F]oreseeability alone is not sufficient to establish proximate cause.” *Bank of America Corp. v. City of Miami*, 581 U.S.

189, 201-02 (2017). See also *Consol. Rail Corp. v. Gottshall*, 512 U.S. 532, 552-53 (1994); *Anza v. Ideal Steel Supply Corp.*, 547 U.S. 451, 457 (2006).

Proximate causation is thus lacking where “the conduct directly causing the harm was distinct from the conduct giving rise to the [claim].” *Hemi Grp., LLC v. City of New York*, 559 U.S. 1, 11 (2010). See also *Associated Gen. Contractors of California, Inc. v. California State Council of Carpenters*, 459 U.S. 519, 541 n.46 (1983). *City of Philadelphia v. Beretta, U.S.A. Corp.*, 277 F.3d 415, 423 (3d Cir. 2002), applied these principles in affirming dismissal of Philadelphia’s complaint against gun manufacturers, holding that the harm resulting from the challenged marketing scheme was “too remote” under *Holmes* because plaintiffs’ claims were ‘entirely derivative of [those of] others who would be more appropriate plaintiffs’ ... and ... plaintiffs’ damages were too speculative to permit recovery.” Plaintiffs’ claims fail for the same reasons. *Cf.* 15 U.S.C. § 7903(5)(A)(v)(where volitional discharge was a criminal offense, “such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage”).

Here, the alleged injuries to Maryland and the District stem from acts taken by Willis and/or others to whom firearms were allegedly transferred by Minor or Willis. See, e.g., Complaint ¶¶ 95,104 (E.72-73, 75-76). The complaint even seeks damages for the inchoate “threat of gun violence” in Maryland and the District. Complaint ¶ 89 (E.71). Such harms are impossible to measure or apportion among wrongdoers. *Walton v. Premier Soccer Club, Inc.*, 490 Md. 204, 230 (2025). The point of a proximate cause requirement is to “avoid[]”

such “difficulties.” *Anza*, 547 U.S. at 458, quoting *Holmes*, 503 U.S. at 269. See also *Bridge v. Phoenix Bond & Indem. Co.*, 553 U.S. 639, 654 (2008). Maryland law is in accord. *Pittway Corp. v. Collins*, 409 Md. 218, 248-49 (2009); *Troxel v. Iguana Cantina, LLC*, 201 Md.App. 476, 510-11 (2011); Restatement (Second of Torts, § 448, Comment (a). Cf. *Walton v. Premier Soccer Club, Inc.*, 490 Md. 204, 223-24 (2025)(plaintiffs must show proximate cause *and* causation-in-fact).

#### **F. Negligent Entrustment**

Count V (“Negligent Entrustment”) (E.80) fails under both PLCAA and Maryland law. First, the PLCAA exception for “negligent entrustment,” 15 U.S.C. § 7903(5)(A)(ii), has no application to cases where, as here, all their claims are based on alleged violations of “a State or Federal statute applicable to the sale or marketing of the product.” Claims based on such violations must satisfy the predicate exception. Second, this exception applies only when the seller knows, or reasonably should know, *the person to whom the product is supplied is likely to, and does, use* the product in a manner involving *unreasonable risk of physical injury* to the person or others.” 15 U.S.C. § 7903(5)(B) (emphasis added).

Here, the only person the complaint alleges engaged in any such “use” of a firearm is Willis, who allegedly brandished a firearm Minor purchased from defendant United Gun Shop. Complaint ¶¶ 10, 69 (E.47, 69). Plaintiffs do not allege that **Minor** (the entrustee) ever “used” any firearms to create a “risk of physical injury.” See, e.g., *Soto v. Bushmaster Firearms Int’l, LLC*, 2016 WL 8115354, at \*14–\*15 (Conn. Super. Ct. Oct. 14, 2016)

(requiring “direct entrustment to a shooter”); *Minnesota v. Fleet Farm LLC*, 679 F.Supp.3d 825, 842 (D. Minn. 2023) (trustee must “use the firearms themselves”). The claim is thus barred by Section 7902 twice over.

The claim also fails under Maryland law. *Broadwater v. Dorsey*, 344 Md. 548 (1997), holds that ‘the paramount requirement for liability under a theory of negligent entrustment is *whether or not the defendant had a right to control*’ the item entrusted at the time of the alleged harm. 344 Md. at 561 (emphasis added). The Court read Sections 308 and Section 390 of the Restatement (Second) of Torts together and held that “the doctrine of negligent entrustment is generally limited to those situations in which the chattel is under the control of the supplier at the time of the accident.” *Id.* at 558. “[W]ithout the right to permit or prohibit use of the chattel at the time of the accident, an individual cannot be liable for negligent entrustment.” *Id.*

Section 390 of the Restatement also makes clear that recovery for negligent entrustment extends only to claims for “physical harm” inflicted *by the person* to whom the product was directly entrusted. See *Phelan v. City of Mount Rainer*, 805 A.2d 930, 942-43 (D.C. 2002). That requirement is consistent with PLCAA and the law of nuisance, discussed above. Nothing in the complaint pleads facts that satisfy these requirements. Engage’s control over the firearms ceased the moment they were delivered to Minor after



the 7-day waiting period. Under *Broadwater*, the negligent entrustment claims must be dismissed. See also *City of Chicago*, 821 N.E.2d 1136-37.

### **III. THIS ACTION IS ALMOST ENTIRELY BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS**

All but one of the sales by Engage to Minor were made more than three years prior to the filing date of the complaint (September 3, 2024) and thus are barred by the Maryland general statute of limitations applicable to civil actions. MD Code, Courts and Judicial Proceedings, § 5-101. Complaint ¶ 62 (E.63-64). This issue is controlled by Maryland law. See *Lewis v. Waletzky*, 422 Md. 647, 664 (2011); *Philip Morris Inc. v. Angeletti*, 358 Md. 689, 746 (2000).

Maryland (but not D.C.) argues that Section 5-101 does not apply to it because it is acting as sovereign in bringing these common law claims. Br. at 25. But as noted above (Part II.A, *supra*), this suit by the Attorney General is *ultra vires* under Article V, § 3, *Burning Tree*, 301 Md. at 32-33, and thus cannot be on behalf of the “sovereign.” *DNR v. Wilson*, 308 Md. 54, 63 (1986). Maryland’s argument fails on that ground alone.

In any event, the rule on which the Attorney General relies applies only where the State is “acting in its sovereign capacity.” *Central Collection Unit v. Atlantic Container Line*, 277 Md. 626, 629 (1976). To be “sovereign,” a claim must seek to “vindicate public rights” created by “statute.” *Atlas Roofing Co. Inc. v. Occupational Safety & Health Review Commission*, 430 U.S. 442, 450 (1977). See also *United States v. Standard Oil Co.*, 332 U.S. 301, 315–17 (1947) (requiring a statute imposing liability). “Public rights” do not include a right to be free of assaults by criminals, *Tadger v. Montgomery Cnty.*, 300 Md.

539, 553 (1984), or include any right to recover the costs of providing government services, the harms claimed by plaintiffs here. *District of Columbia v. Air Florida, Inc.*, 750 F.2d 1077, 1080 (D.C. Cir. 1984); *City of Chicago*, 821 N.E.2d at 1144-45. *Cf. SEC v. Jarkesy*, 603 U.S. 109, 139-40 (2024) (“reducing public costs are not enough” to make a claim “sovereign”). Compare MD Code, Courts and Judicial Proceedings, § 3-2503(a)(2)(authorizing damages for a violation of Chapter 714).

Plaintiffs wrongly argue that the statute of limitations did not begin to run until “the firearms had fallen into the hands of prohibited persons who used them in crimes.” Br. at 28. The statute runs from the moment “some legal harm has occurred, despite whether the extent of the damage is known or whether that damage is trivial in nature.” *Caruso Builder Belle Oak, LLC v. Sullivan*, 489 Md. 346, 363-64 (2025). A straw purchaser is “a person who buys a gun on someone else’s behalf while falsely claiming that it is for himself” and is a violation of Section 922(a)(6). *Abramski*, 573 U.S. at 171. See Form 4473, Question 21.a (E.334); Complaint ¶ 28 (E.52). Lying on a 77R is also “perjury,” (E.273), which is crime under MD Code, Criminal Law, § 9-101(a). A “false statement” on a 77R is also punishable under MD Code, Public Safety, § 5-118(c). No subsequent transfer is required for any of these crimes.

These crimes are “some legal harm.” Indeed, the complaint alleges that “[s]traw sales severely undermine the Plaintiffs’ regulations on the sale and possession of handguns” and that “[u]nlawful gun possession adversely affects” the entire “metropolitan area.” (Complaint ¶¶ 29, 30 (E.53). Later alleged injuries are irrelevant for statute of limitations

purposes. E.40. *Caruso*, 489 Md. at 363-64; *Doctor's Weight Loss*, 487 Md. at 498. “[E]very repetition of the wrong creates further liability and creates a new cause of action, and a new statute of limitations begins to run after each wrong perpetuated.” *Litz v. Maryland Dept. of the Environment*, 434 Md. 623, 646 (2013) (citation omitted).

Plaintiffs also wrongly argue that the case of action did not accrue because Maryland and D.C. could “not have discovered the straw sales at issue at least until they found the firearms Engage and United sold to Minor in someone else’s hands.” Br. at 26. “Maryland follows the ‘discovery rule’ under which ‘the cause of action accrues when the claimant in fact knew or reasonably should have known of the wrong.’” *Jacobs v. Flynn*, 131 Md.App. 342, 362 (2000) (citation omitted). A claimant “is charged with knowledge of facts that would have been disclosed by a reasonably diligent investigation.” *Lumsden v. Design Tech Builders, Inc.*, 358 Md. 435, 445 (2000).

Here, *all* the pertinent information for *all* these sales by *all* of the defendants was in the 77Rs and 4473s in possession of the State Police. “Had the plaintiffs looked at the Maryland State Police records at the time of each sale, they reasonably should have known of the wrong complained of in this case.” E.40. Any “diligent” State Police investigation would have revealed the conduct of Minor and Willis, just as the ATF’s investigation discovered all this conduct (with the assistance of Engage). E.476-77, 481. The State Police is not just “*any* government official,” (Br. 27), it is *the* State law enforcement agency empowered to conduct and share investigations into dealer sales. MD Code, Public Safety, § 5-145(d),(e). Such an investigation would have been shared with D.C. because Willis was

a District resident. Complaint ¶ 60 (E.62). Or D.C. could have conducted its own diligent investigation of Willis (a convicted felon) and discovered all these facts.

Contrary to plaintiffs' contention (Br. at 26), the Circuit Court did not dismiss the complaint solely on statute of limitations grounds. The court noted that one sale by Engage fell within the limitations period. E.38. Plaintiffs admit as much. Br. at 29. The court merely reasoned that limiting plaintiffs' case against Engage to one sale "evaporates" plaintiffs' theory of the case which heavily relies on "the sheer number of firearms sold." E.41. Plaintiffs do not dispute it. For all the reasons stated above, no rational jury could legitimately find liability and award the type of damages sought here for a State Police-approved sale to a "Designated Collector" with an HQL of *one* legal handgun on the Handgun Roster. See also *Martin v. Arundel Corp.* 216 Md. 184, 192 (1958) (barred claims "must not be considered by the jury on the question of damages").

#### **IV. THE CIRCUIT COURT DID NOT ERR IN DENYING LEAVE TO AMEND**

Plaintiffs argue that the Circuit Court abused its discretion by failing to allow them to amend the complaint because they could have alleged "red flags" that supposedly "show" that Engage "knew, or had reasonable cause to believe, that Minor was a straw purchaser." Br. at 31. Plaintiffs do not meet the highly deferential abuse of discretion standard. *Anderson v. Burson*, 424 Md. 232, 243 (2011). PLCAA's "knowingly" requirement, along with the "knowingly" requirements of Sections 5-114, 5-134(b)(13), 5-136(b), 5-141(a), 5-144(a)(1) and Section 922(a)(6), preclude any "should-have-known" liability. These supposed "red flags" do not show that Engage "knew" that Minor was a

straw purchaser, much less create any duty to “a specific class of persons” under *Warr*, impose a common law duty to abate a nuisance or establish negligent entrustment. See *Eastland Food Corporation v. Mekhaya*, 486 Md. 1, 20 (2023) (denial of leave to amend appropriate where claims are “irreparably flawed”).

Plaintiffs first reassert that cash payments are a “red flag.” Br. at 9 n.1, 31. See Complaint ¶ 58 & n.36 (E.62); E.601-02, 605, 609-10, 632-33. Cash payments prove nothing. D.C. law prohibits any retailer from discriminating against cash “as a form of payment for goods or services.” DC ST § 28-5402. Maryland law likewise protects cash payments. MD Code, Commercial Law, § 12-506(g)(2)(iii). Not everyone has a credit card or wants to use one.<sup>5</sup> The HQL, the 77Rs and the 4473s all ensure the identity of the purchaser and create a paper trail. See E.632-35. Legally protected cash sales cannot show that Engage “knew” (or even should have known) that Minor was a straw purchaser.

Another supposed “red flag” is that scary-sounding “AK-style pistols” are “impractical for lawful purposes” and are supposedly preferred by “criminals.” Br. at 32. Those contentions are conclusory. *Any* firearm can be used for self-defense or other lawful purposes (*e.g.*, target shooting); there is nothing “impractical” about such uses. AK-style pistols are on the Handgun Roster, may be lawfully sold and resold in Maryland and may be collected by “Designated Collectors” just like any other pistol, regardless of the supposed preferences of criminals. Engage sold only *one* AK-style pistol (a “Pioneer Arms Hellpup”) to Minor (E.63) and recovery for that sale is separately barred by the statute of

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<sup>5</sup> Minor was self-employed; he “bought and sold items on internet websites and did snow removal.” E.482.

limitations. *One* State Police-approved sale of a legal handgun on the Handgun Roster to a “Designated Collector” with an HQL is proof of nothing.

Plaintiffs do not dispute the Circuit Court’s finding that they had all the relevant information about Minor’s activities “since at least July of 2022.” E.42. Specifically, plaintiffs had the benefit of the detailed probable cause affidavit filed by ATF agent John Donovan in federal district court on July 29, 2022. The complaint’s lists of firearms sales to Minor (E.62-63, 65, 67) are taken virtually verbatim from Agent Donovan’s affidavit. E.476-79. That affidavit details the extensive “consensual interview” of Minor and the investigation of Minor and Willis conducted by federal authorities. E.482-99. The Circuit Court found that “[i]f Minor shared information showing that the defendants knew of his intent to engage in straw purchases, such information would be in the complaint. It is not.” E.42. Plaintiffs do not dispute it.

Finally, plaintiffs falsely assert that defendants would not be prejudiced by allowing an amended complaint. Br. at 32. This litigation is the type of abuse of process that PLCAA was enacted to prevent. Section 7902(b) requires such suits to “be immediately dismissed.” See also *Smith & Wesson*, 605 U.S. at 298-99 (“PLCAA was meant to stop those suits”); *NSSF*, 144 F.4th at 122 (Jacobs, J., concurring) (“[s]peedy dismissal ... accords with PLCAA’s goal of preventing litigation from eating up the firearms industry whole”); *In re Academy, Ltd.*, 625 S.W.3d 32-35 (granting mandamus relief). The Circuit Court did not abuse its discretion in denying leave to amend.

## CONCLUSION

The judgment should be affirmed.

Respectfully submitted,

*/s/ Mark W. Pennak*

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December 16, 2025

## **REQUEST FOR ORAL ARGUMENT**

Pursuant to Maryland Rule 8-504(a)(8), Engage Armament LLC respectfully requests oral argument in this appeal.

## **CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 8-504(a)(9) of the Maryland Rules, the undersigned counsel certifies:

1. The body of the Brief of Engage Armament contains 9,094 words, not counting those items which may be excluded under Maryland Rule 8-503, as determined by Microsoft Word, and

2. The Brief of Engage Armament uses a 13 point, Times New Roman proportional font, is double spaced, except in headings and footnotes, and otherwise complies with the requirements imposed by Maryland Rule 8-112.

*/s/ Mark W. Pennak*

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## CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on December 16, 2025, an electronic copy of the Brief of Appellee Engage Armament, LLC was served on all counsel of record via the MDEC e-filing system, and two printed copies were served via Federal Express courier service to:

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## STATUTORY ADDENDUM

### TABLE OF CONTENTS

	<b>ADD Page</b>
MD Code, Public Safety, § 5-114.....	1
MD Code, Public Safety, § 5-117.....	4
MD Code, Public Safety, § 5-121.....	5
MD Code, Public Safety, § 5-123 .....	6
MD Code, Public Safety, § 5-128.....	8
MD Code, Public Safety, § 5-129.....	11
MD Code, Public Safety, § 5-134.....	14
MD Code, Public Safety, § 5-136.....	18
MD Code, Public Safety, § 5-141 .....	20
MD Code, Public Safety, § 5-144.....	22
MD Code, Public Safety, § 5-117.1 .....	24
18 U.S.C.A. § 923 .....	30
15 U.S.C.A. § 7901 .....	37
15 U.S.C.A. § 7902.....	40
15 U.S.C.A. § 7903.....	41
MD Code Regs. § 29.03.01.25.....	45

West's Annotated Code of Maryland  
Public Safety (Refs & Annos)  
Title 5. Firearms (Refs & Annos)  
Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-114  
Formerly cited as MD CODE Art. 27, § 443

§ 5-114. Suspensions and revocations--Grounds; notice; effect

Currentness

(a)(1) The Secretary shall suspend a dealer's license if the licensee:

- (i) is under indictment for a crime of violence;
- (ii) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm;
- (iii) is charged with a crime under Subtitle 7 of this title; or
- (iv) is found in violation of a second offense under [§ 5-145.1](#) of this subtitle.

(2)(i) The Secretary may suspend a dealer's license if the licensee is not in compliance with the record keeping and reporting requirements of [§ 5-145](#) of this subtitle.

(ii) The Secretary may lift a suspension under this paragraph after the licensee provides evidence that the record keeping violation has been corrected.

(b) The Secretary shall revoke a dealer's license if:

(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or

(2) the licensee:

- (i) is convicted of a disqualifying crime;
- (ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

(v) is addicted to a controlled dangerous substance or is a habitual user;

(vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;

(vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title;

(viii) has knowingly or willfully participated in a straw purchase of a regulated firearm;

(ix) is convicted of a crime under Subtitle 7 of this title; or

(x) is found in violation of a third or subsequent offense under § 5-145.1 of this subtitle.

(c) If the Secretary suspends or revokes a dealer's license, the Secretary shall notify the licensee in writing of the suspension or revocation.

(d) A person whose dealer's license is suspended or revoked may not engage in the business of selling, renting, or transferring regulated firearms, unless the suspension or revocation has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-116 of this subtitle.

### **Credits**

Added by Acts 2003, c. 5, § 2, eff. Oct. 1, 2003. Amended by Acts 2013, c. 427, § 1, eff. Oct. 1, 2013; Acts 2022, c. 18, § 1, eff. June 1, 2022; Acts 2022, c. 19, § 1, eff. June 1, 2022; Acts 2022, c. 55, § 1, eff. Oct. 1, 2022.

### **Editors' Notes**

### **LEGISLATIVE NOTES**

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, § 443(i), (j), and (k).

In subsection (b)(1) of this section, the reference to this “subtitle” is substituted for the former reference to this “section” to reflect the reorganization of the former provisions on regulated firearms in this subtitle. As to the requirement for an application, see § 5-107 of this subtitle.

In subsection (b)(2)(vi) of this section, the former reference to mental “disorders” is deleted as included in the reference to a “mental disorder”. *See* Art. 1, § 8, which provides that the singular always includes the plural unless the construction would be unreasonable.

In subsection (d) of this section, the references to “renting” and “transferring” regulated firearms are added to reflect all the activities that a licensee whose license had been suspended or revoked would be prohibited from taking.

Defined terms: “Crime of violence” § 5-101

“Dealer's license” § 5-101

“Disqualifying crime” § 5-101

“Fugitive from justice” § 5-101

“Habitual drunkard” § 5-101

“Habitual user” § 5-101

“Handgun” § 5-101

“Licensee” § 5-101

“Person” § 1-101

“Regulated firearm” § 5-101

“Secretary” § 5-101

“Straw purchase” § 5-101

MD Code, Public Safety, § 5-114, MD PUBLIC SAFETY § 5-114

Current through all legislation from the 2025 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

West's Annotated Code of Maryland  
Public Safety (Refs & Annos)  
Title 5. Firearms (Refs & Annos)  
Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-117  
Formerly cited as MD CODE Art. 27, § 442

§ 5-117. Application for regulated firearm required

[Currentness](#)

A person must submit a firearm application in accordance with this subtitle before the person purchases, rents, or transfers a regulated firearm.

**Credits**

Added by [Acts 2003, c. 5, § 2, eff. Oct. 1, 2003](#).

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2003, c. 5):

This section is new language added to state expressly that which only was implied in the former law, i.e., a person must submit an application to purchase, rent, or transfer a regulated firearm. It is based on the references to an application to purchase, rent, or transfer a regulated firearm in former Art. 27, § 442.

Defined terms: “Firearm application” [§ 5-101](#)

“Person” [§ 1-101](#)

“Regulated firearm” [§ 5-101](#)

MD Code, Public Safety, § 5-117, MD PUBLIC SAFETY § 5-117

Current through all legislation from the 2025 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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West's Annotated Code of Maryland  
Public Safety (Refs & Annos)  
Title 5. Firearms (Refs & Annos)  
Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-121  
Formerly cited as MD CODE Art. 27, § 442

§ 5-121. Investigation of firearm applicant

[Currentness](#)

(a) On receipt of a firearm application, the Secretary shall conduct an investigation promptly to determine the truth or falsity of the information supplied and statements made in the firearm application.

(b) In conducting an investigation under this subsection, the Secretary may request the assistance of the Police Commissioner of Baltimore City, the chief of police in any county maintaining a police force, or the sheriff in a county not maintaining a police force.

**Credits**

Added by [Acts 2003, c. 5, § 2, eff. Oct. 1, 2003](#).

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from the first sentence of former Art. 27, § 442(i).

Defined terms: “County” [§ 1-101](#)

“Firearm application” [§ 5-101](#)

“Secretary” [§ 5-101](#)

MD Code, Public Safety, § 5-121, MD PUBLIC SAFETY § 5-121

Current through all legislation from the 2025 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

West's Annotated Code of Maryland  
Public Safety (Refs & Annos)  
Title 5. Firearms (Refs & Annos)  
Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-123  
Formerly cited as MD CODE Art. 27, § 442

§ 5-123. Time for licensee to complete transactions

**Currentness**

(a) A licensee may not sell, rent, or transfer a regulated firearm until after 7 days following the time a firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by the prospective seller or transferor to the Secretary.

(b) A licensee shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the firearm application was stamped by the Secretary as not being disapproved.

(c)(1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a licensee shall return the firearm application to the Secretary within 7 days.

(2) The Secretary shall void a firearm application returned under paragraph (1) of this subsection as an incomplete sale, rental, or transfer.

(d)(1)(i) A licensee who sells, rents, or transfers a regulated firearm in compliance with this subtitle shall forward a copy of the written notification of the completed transaction to the Secretary within 7 days after delivery of the regulated firearm.

(ii) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, any manufacturer's serial number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.

(2) The Secretary shall maintain a permanent record of all notifications received of completed sales, rentals, and transfers of regulated firearms in the State.

**Credits**

Added by [Acts 2003, c. 5, § 2, eff. Oct. 1, 2003](#).

**Editors' Notes**

**LEGISLATIVE NOTES**



Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, § 442(c) and, except as they related to persons, (l) and (m).

In subsection (a) of this section, the defined term “firearm application” is substituted for the former reference to an “application to purchase or transfer” for brevity.

Also in subsection (a) of this section, the reference to a “firearm applicant” is substituted for the former reference to a “prospective purchaser or transferee” for brevity.

Also in subsection (a) of this section, the former reference to the original “copy” is deleted as surplusage.

In subsections (b) and (c)(1) of this section, the former references to 90 days after “the date” the firearm application was stamped are deleted as surplusage.

In subsection (b) of this section, the former reference to an application “of the prospective purchaser, lessee, or transferee” is deleted as implicit in the defined term “firearm application”.

In subsection (c)(2) of this section, the requirement that “[t]he Secretary shall void” is substituted for the former phrase “shall be voided” to state expressly that which only was implied in the former law, i.e., that the Secretary is required to void any returned firearm application.

In subsection (d)(1)(ii) of this section, the former reference to a regulated firearm “sold, rented, or transferred” is deleted as implicit in the reference to a “transaction” under subsection (d)(1)(i) of this section.

In subsection (d)(2) of this section, the requirement that the Secretary maintain a record of all “notifications received” is substituted for the former reference to “such completed” transactions for clarity.

Defined terms: “Firearm applicant” § 5-101

“Firearm application” § 5-101

“Licensee” § 5-101

“Regulated firearm” § 5-101

“Secretary” § 5-101

MD Code, Public Safety, § 5-123, MD PUBLIC SAFETY § 5-123

Current through all legislation from the 2025 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

West's Annotated Code of Maryland  
Public Safety (Refs & Annos)  
Title 5. Firearms (Refs & Annos)  
Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-128  
Formerly cited as MD CODE Art. 27, § 442A; MD CODE Art. 27, § 449

§ 5-128. Purchases within 30 days--In general

Currentness

(a) Subsection (b) of this section does not apply to:

- (1) a law enforcement agency;
- (2) an agency authorized to perform law enforcement duties;
- (3) a State or local correctional facility;
- (4) a private security company licensed to do business in the State;
- (5) the purchase of an antique firearm;
- (6) a purchase by a licensee;
- (7) the exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased from the seller by the same person seeking the exchange or replacement within 30 days immediately before the exchange or replacement; or
- (8) a person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately, if:
  - (i) the person provides the licensee with a copy of the official police report or an official summary of the report, a copy of which shall be attached to the firearm application;
  - (ii) the official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date when the loss or theft was reported to the law enforcement agency; and

(iii) the loss or theft occurred within 30 days before the person's attempt to replace the regulated firearm, as reflected by the date of loss or theft on the official police report or official summary of the report.

(b) A person may not purchase more than one regulated firearm in a 30-day period.

(c) A licensee or other person may not sell, rent, or transfer a regulated firearm to a firearm applicant whose firearm application is placed on hold because of an open disposition of criminal proceedings against the firearm applicant or disapproved, unless the hold or disapproval has been subsequently withdrawn by the Secretary or overruled by a court in accordance with [§ 5-127](#) of this subtitle.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

#### **Credits**

Added by [Acts 2003, c. 5, § 2, eff. Oct. 1, 2003](#).

#### **Editors' Notes**

#### **LEGISLATIVE NOTES**

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, §§ 442A(a) and (e) and 449(c).

In the introductory language of subsection (a) of this section, the reference to this “section” is substituted for the former reference to this “subsection” to reflect the reorganization of the former provisions concerning the purchase of regulated firearms within a 30-day period in this section. No substantive change is intended.

In subsection (a)(2) of this section, the former reference to being “duly” authorized is deleted as unnecessary in describing an agency's authority to perform law enforcement duties.

In subsection (a)(8)(iii) of this section, the reference to “the loss or theft” is added to clarify that it is the date of loss or theft and not the date of the report that determines if a regulated firearm is to be replaced immediately.

In subsection (b) of this section, the former phrase “[e]xcept as provided in this subsection” is deleted as unnecessary. The provisions to which the former phrase referred are revised in subsection (a) of this section.

Defined terms: “Antique firearm” [§ 5-101](#)

“Firearm applicant” [§ 5-101](#)

“Firearm application” [§ 5-101](#)

“Licensee” [§ 5-101](#)

“Person” § 1-101

“Regulated firearm” § 5-101

“Secretary” § 5-101

MD Code, Public Safety, § 5-128, MD PUBLIC SAFETY § 5-128

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Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-129

Formerly cited as MD CODE Art. 27, § 442A; MD CODE Art. 27, § 449

§ 5-129. Purchases within 30 days--Multiple purchases allowed

Currentness

(a) Notwithstanding § 5-128(b) of this subtitle, a person may purchase more than one regulated firearm in a 30-day period if:

(1) the person applies for and the Secretary approves a multiple purchase; and

(2)(i) the purchase of the regulated firearms is for a private collection or a collector series;

(ii) the purchase of the regulated firearms is a bulk purchase from an estate sale;

(iii) 1. the purchase of not more than two regulated firearms is a multiple purchase to take advantage of a licensee's discounted price available only for a multiple purchase; and

2. the purchaser is prohibited from purchasing a regulated firearm during the following 30-day period unless approved under item (i) or (ii) of this item; or

(iv) the purchase is for other purposes similar to items (i) through (iii) of this item.

(b)(1) The application for a multiple purchase shall:

(i) list the regulated firearms to be purchased;

(ii) state the purpose of the purchase of more than one regulated firearm in a 30-day period;

(iii) be witnessed by a licensee or designated law enforcement agency; and

(iv) be signed under the penalty of perjury by the firearm applicant.

(2) The application for a multiple purchase of regulated firearms shall be attached to a completed firearm application and forwarded to the Secretary by a licensee or designated law enforcement agency.

(c) On receipt of the firearm application and the application for a multiple purchase, the Secretary shall conduct a background investigation as required in § 5-121 of this subtitle.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

#### Credits

Added by Acts 2003, c. 5, § 2, eff. Oct. 1, 2003.

#### Editors' Notes

#### LEGISLATIVE NOTES

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, §§ 442A(b), (c), and (d) and 449(c).

In subsection (a)(2)(iv) of this section, the reference to other purposes similar “to items (i) through (iii) of this item” is added for clarity.

In the introductory language of subsection (b)(1) of this section, the reference to an application for “a multiple purchase” is added to state explicitly the purpose of the application.

In subsection (b)(1)(iv) of this section, the defined term “firearm applicant” is substituted for the former reference to the “applicant” for clarity.

In subsections (b)(2) and (c) of this section, the defined term “firearm application” is substituted for the former reference to an application “to purchase a regulated firearm” for brevity and consistency.

In subsection (c) of this section, the reference to the requirement that the Secretary “conduct” an investigation is substituted for the former reference that the Secretary “complete” an investigation, to conform to the terminology used in § 5-121 of this subtitle.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section, although the purchase of more than one regulated firearm in a 30-day period is allowed under this section, the transfer of more than one is not. Therefore, in subsection (b)(1)(i) of this section, the former reference to the regulated firearm to be purchased “or transferred” is deleted in light of the absence in subsection (a) of this section of explicit authority for the transfer of more than one regulated firearm in a 30-day period.

Defined terms: “Designated law enforcement agency” § 5-101

“Firearm applicant” § 5-101

“Firearm application” § 5-101

“Licensee” § 5-101

“Person” § 1-101

“Regulated firearm” § 5-101

“Secretary” § 5-101

MD Code, Public Safety, § 5-129, MD PUBLIC SAFETY § 5-129

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MD Code, Public Safety, § 5-134

Formerly cited as MD CODE Art. 27, § 441; MD CODE Art. 27, § 445; MD CODE Art. 27, § 449

§ 5-134. Restrictions on sale, rental, or transfer of regulated firearms

Currentness

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the transfer by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the transfer of a regulated firearm.

(b) A dealer or other person may not sell, rent, loan, or transfer a regulated firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person knows or has reasonable cause to believe:

(1) is under the age of 21 years, unless the regulated firearm is loaned to a borrower who may possess the regulated firearm under [§ 5-133\(d\)](#) of this subtitle;

(2) has been convicted of a disqualifying crime;

(3) has been convicted of a conspiracy to commit a felony;

(4) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(5) is a fugitive from justice;

(6) is a habitual drunkard;

(7) is addicted to a controlled dangerous substance or is a habitual user;

(8) suffers from a mental disorder as defined in [§ 10-101\(i\)\(2\) of the Health--General Article](#), and has a history of violent behavior against the purchaser, lessee, borrower, or transferee or another, unless the purchaser, lessee, borrower, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, borrower, or transferee or to another;



(9) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health--General Article, unless the purchaser, lessee, borrower, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, borrower, or transferee or to another;

(10) is a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article;

(11) if under the age of 30 years at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;

(12) is visibly under the influence of alcohol or drugs;

(13) is a participant in a straw purchase;

(14) subject to subsection (c) of this section for a transaction under this subsection that is made on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Maryland Police Training and Standards Commission or that meets standards established by the Maryland Police Training and Standards Commission under § 3-207 of this article; or

(15) intends to use the regulated firearm to:

(i) commit a crime; or

(ii) cause harm to the purchaser, lessee, transferee, or recipient or another person.

(c) A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section if the person:

(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section;

(2) is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) is a member, retired member, or honorably discharged member of the armed forces or the National Guard;

(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition;

(5) has been issued a permit to carry a handgun under Subtitle 3 of this title; or

(6) is the borrower of a firearm.

(d)(1) A person may not sell, rent, or transfer:

(i) ammunition solely designed for a regulated firearm to a person who is under the age of 21 years; or

(ii) 1. a firearm other than a regulated firearm to a minor;

2. ammunition for a firearm to a minor;

3. pepper mace, which is an aerosol propelled combination of highly disabling irritant based products and is also known as oleo-resin capsicum (O.C.) spray, to a minor; or

4. another deadly weapon to a minor.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

#### Credits

Added by Acts 2003, c. 5, § 2, eff. Oct. 1, 2003. Amended by Acts 2014, c. 45, § 1, eff. April 8, 2014; Acts 2015, c. 22, § 5; Acts 2018, c. 12, § 6; Acts 2019, c. 458, § 1, eff. Oct. 1, 2019; Acts 2023, c. 49, § 6; Acts 2025, c. 261, § 1, eff. Oct. 1, 2025; Acts 2025, c. 262, § 1, eff. Oct. 1, 2025.

#### Editors' Notes

#### LEGISLATIVE NOTES

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, §§ 441(p), 449(a), and 445(b), (b-1), (c), and, as it related to the transfer of regulated firearms, (a).

In subsection (a) of this section, the references to a “local” jurisdiction are substituted for the former references to “subordinate” jurisdictions and “such” jurisdiction to conform to the terminology used throughout this title and in other revised articles of the Code.

Also in subsection (a) of this section, the former reference to restrictions imposed “by the laws, ordinances or regulations” of local jurisdictions is deleted as surplusage.

In subsection (b)(3) of this section, the reference to a “felony” is substituted for the former reference to “any crimes established by those sections” for brevity.

In subsection (b)(11) of this section, the reference to an adjudication for an “act” that would be a disqualifying crime “if committed by an adult” is added for consistency with § 5-306 of this title.

In subsection (c)(4) of this section, the former reference to federal “regulations” is deleted as implicit in the reference to federal “law”.

In subsection (c)(5) of this section, the reference to “Subtitle 3 of this title” is substituted for the former reference to “§ 36E of this article” to reflect the reorganization of the former provisions on handgun permits. In the revision, the reference is broader because Subtitle 3 of this title includes some provisions not in former § 36E. No substantive change is intended.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that in the introductory language of subsection (c) of this section and in subsection (c)(1) of this section, the cross-references to “subsection (b)(14) of this section” are misleading because, although the course requirement is mentioned, subsection (b)(14) of this section does not require a firearm applicant to complete the course.

Defined terms: “Dealer” § 5-101

“Disqualifying crime” § 5-101

“Firearm” § 5-101

“Fugitive from justice” § 5-101

“Habitual drunkard” § 5-101

“Habitual user” § 5-101

“Handgun” § 5-101

“Person” § 1-101

“Regulated firearm” § 5-101

“Straw purchase” § 5-101

## Notes of Decisions (8)

MD Code, Public Safety, § 5-134, MD PUBLIC SAFETY § 5-134

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Title 5. Firearms (Refs & Annos)  
Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-136  
Formerly cited as MD CODE Art. 27, § 442

§ 5-136. Straw purchases

[Currentness](#)

(a)(1) This section does not apply to a person who purchases a regulated firearm as a gift if:

(i) the regulated firearm is a gift to a resident of the State; and

(ii) 1. both the purchaser and recipient of the gift comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm; or

2. if the gift is in the form of a gift certificate, only the recipient of the gift need comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm.

(2) If the regulated firearm is a gift to the purchaser's spouse, parent, grandparent, grandchild, sibling, or child, the recipient shall:

(i) complete an application to purchase or transfer a regulated firearm; and

(ii) forward the application to the Secretary within 5 days after receipt of the regulated firearm.

(3) The Secretary shall waive the \$10 application fee required under [§ 5-118\(a\)\(2\)](#) of this subtitle for a gift purchased in accordance with this subsection.

(b) A person may not knowingly or willfully participate in a straw purchase of a regulated firearm.

#### Credits

Added by [Acts 2003, c. 5, § 2, eff. Oct. 1, 2003](#).

#### Editors' Notes

#### LEGISLATIVE NOTES

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, § 442(b).

In subsection (a)(2) of this section, the reference to “the purchaser's” spouse, parent, grandparent, grandchild, sibling, or child is added for clarity.

In subsection (a)(3) of this section, the reference to an application fee “for a gift purchased in accordance with this subsection” is added for clarity.

Also in subsection (a)(3) of this section, the reference to the application fee “under § 5-118(a)(2) of this subtitle”, which revises former Art. 27, § 442(f)(1), is substituted for the former erroneous reference to “subsection (g) of this section”. Former Art. 27, § 442(g) referred to the statement required in a firearm application and is revised in § 5-118(c) of this subtitle.

Defined terms: “Person” § 1-101

“Regulated firearm” § 5-101

“Secretary” § 5-101

“Straw purchase” § 5-101

MD Code, Public Safety, § 5-136, MD PUBLIC SAFETY § 5-136

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MD Code, Public Safety, § 5-141  
Formerly cited as MD CODE Art. 27, § 449

§ 5-141. Knowing participation in straw purchase

[Currentness](#)

(a) A dealer or other person may not be a knowing participant in a straw purchase of a regulated firearm for a minor or for a person prohibited by law from possessing a regulated firearm.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.

(c) Each violation of this section is a separate crime.

**Credits**

Added by [Acts 2003, c. 5, § 2, eff. Oct. 1, 2003](#). Amended by [Acts 2021, c. 109, § 1, eff. April 13, 2021](#).

**Editors' Notes**

**LEGISLATIVE NOTES**

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, § 449(d), as it related to straw purchases.

In subsection (a) of this section, the reference to a “person prohibited by law from possessing a regulated firearm” is substituted for the former reference to a “prohibited person” for clarity.

Defined terms: “Dealer” [§ 5-101](#)

“Person” [§ 1-101](#)

“Regulated firearm” [§ 5-101](#)

“Straw purchase” [§ 5-101](#)

MD Code, Public Safety, § 5-141, MD PUBLIC SAFETY § 5-141

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Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-144  
Formerly cited as MD CODE Art. 27, § 449

§ 5-144. Knowing participation in violation of subtitle

[Currentness](#)

(a) Except as otherwise provided in this subtitle, a dealer or other person may not:

(1) knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle; or

(2) knowingly violate [§ 5-142](#) of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(c) Each violation of this section is a separate crime.

#### Credits

Added as [Public Safety § 5-143](#) by [Acts 2003, c. 5, § 2, eff. Oct. 1, 2003](#). Amended by [Acts 2011, c. 164, § 1, eff. Oct. 1, 2011](#); [Acts 2011, c. 165, § 1, eff. Oct. 1, 2011](#); [Acts 2011, c. 343, § 1, eff. Oct. 1, 2011](#). Renumbered as Public Safety § 5-144 by [Acts 2013, c. 427, § 1, eff. Oct. 1, 2013](#).

#### Editors' Notes

#### LEGISLATIVE NOTES

Revisor's Note (Acts 2003, c. 5):

This section is new language derived without substantive change from former Art. 27, § 449(f).

In subsection (a) of this section, the reference to this “subtitle” is substituted for the former reference to this “section” even though this subtitle is derived, in part, from provisions outside of former Art. 27, § 449. Because the provisions revised in this subtitle do not affect the application of this subtitle in a way contrary to the provisions set forth here, no substantive change results.

Defined terms: “Dealer” [§ 5-101](#)



“Person” § 1-101

“Regulated firearm” § 5-101

#### Notes of Decisions (2)

MD Code, Public Safety, § 5-144, MD PUBLIC SAFETY § 5-144

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Subtitle 1. Regulated Firearms (Refs & Annos)

MD Code, Public Safety, § 5-117.1

§ 5-117.1. Handgun qualification license required to sell, rent, or transfer handguns

Currentness

(a) This section does not apply to:

- (1) a licensed firearms manufacturer;
- (2) a law enforcement officer or person who is retired in good standing from service with a law enforcement agency of the United States, the State, or a local law enforcement agency of the State;
- (3) a member or retired member of the armed forces or the National Guard; or
- (4) a person purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

(b) A dealer or any other person may not sell, rent, or transfer a handgun to a purchaser, lessee, or transferee unless the purchaser, lessee, or transferee presents to the dealer or other person a valid handgun qualification license issued to the purchaser, lessee, or transferee by the Secretary under this section.

(c) A person may purchase, rent, or receive a handgun only if the person:

- (1)(i) possesses a valid handgun qualification license issued to the person by the Secretary in accordance with this section;
- (ii) possesses valid credentials from a law enforcement agency or retirement credentials from a law enforcement agency;
- (iii) is an active or retired member of the armed forces or the National Guard and possesses a valid uniformed services identification card; or
- (iv) is purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) is not otherwise prohibited from purchasing or possessing a handgun under State or federal law.

(d) Subject to subsections (f) and (g) of this section, the Secretary shall issue a handgun qualification license to a person who the Secretary finds:

(1) is at least 21 years old;

(2) is a resident of the State;

(3) except as provided in subsection (e) of this section, has demonstrated satisfactory completion, within 3 years prior to the submission of the application, of a firearms safety training course approved by the Secretary that includes:

(i) a minimum of 4 hours of instruction by a qualified handgun instructor;

(ii) classroom instruction on:

1. State firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation; and

(iii) a firearms orientation component that demonstrates the person's safe operation and handling of a firearm; and

(4) based on an investigation, is not prohibited by federal or State law from purchasing or possessing a handgun.

(e) An applicant for a handgun qualification license is not required to complete a firearms safety training course under subsection (d) of this section if the applicant:

(1) has completed a certified firearms training course approved by the Secretary;

(2) has completed a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under [§ 10-301.1 of the Natural Resources Article](#);

(3) is a qualified handgun instructor;

(4) is an honorably discharged member of the armed forces of the United States or the National Guard;

(5) is an employee of an armored car company and has a permit issued under Title 5, Subtitle 3 of this article; or

(6) lawfully owns a regulated firearm.

(f)(1) In this subsection, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a handgun qualification license.

(3) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i) a complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under [§ 10-221\(b\)\(7\) of the Criminal Procedure Article](#) for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) The Central Repository shall provide a receipt to the applicant for the fees paid in accordance with paragraph (3)(ii) and (iii) of this subsection.

(5) In accordance with [§§ 10-201 through 10-234 of the Criminal Procedure Article](#), the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history information.

(6) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) shall be used only for the licensing purpose authorized by this section.

(7) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Department of State Police Licensing Division a revised printed statement of the applicant's or licensee's State criminal history record.

(g) An applicant for a handgun qualification license shall submit to the Secretary:

(1) an application in the manner and format designated by the Secretary;

(2) a nonrefundable application fee to cover the costs to administer the program of up to \$50;

(3)(i) proof of satisfactory completion of:

1. a firearms safety training course approved by the Secretary; or

2. a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under [§ 10-301.1 of the Natural Resources Article](#); or

(ii) a valid firearms instructor certification;

(4) any other identifying information or documentation required by the Secretary; and

(5) a statement made by the applicant under the penalty of perjury that the applicant is not prohibited under federal or State law from possessing a handgun.

(h)(1) Within 30 days after receiving a properly completed application, the Secretary shall issue to the applicant:

(i) a handgun qualification license if the applicant is approved; or

(ii) a written denial of the application that contains:

1. the reason the application was denied; and

2. a statement of the applicant's appeal rights under subsection (l) of this section.

(2)(i) An individual whose fingerprints have been submitted to the Central Repository, and whose application has been denied, may request that the record of the fingerprints be expunged by obliteration.

(ii) Proceedings to expunge a record under this paragraph shall be conducted in accordance with [§ 10-105 of the Criminal Procedure Article](#).

(iii) On receipt of an order to expunge a fingerprint record, the Central Repository shall expunge by obliteration the fingerprints submitted as part of the application process.

(iv) An individual may not be charged a fee for the expungement of a fingerprint record in accordance with this paragraph.

(i) A handgun qualification license issued under this section expires 10 years from the date of issuance.

(j)(1) The handgun qualification license may be renewed for successive periods of 10 years each if, at the time of an application for renewal, the applicant:

(i) possesses the qualifications for the issuance of the handgun qualification license; and

(ii) submits a nonrefundable application fee to cover the costs to administer the program up to \$20.

(2) An applicant renewing a handgun qualification license under this subsection is not required to:

(i) complete the firearms safety training course required in subsection (d)(3) of this section; or

(ii) submit to a State and national criminal history records check as required in subsection (f) of this section.

(k)(1) The Secretary may revoke a handgun qualification license issued or renewed under this section on a finding that the licensee no longer satisfies the qualifications set forth in subsection (d) of this section.

(2) A person holding a handgun qualification license that has been revoked by the Secretary shall return the license to the Secretary within 5 days after receipt of the notice of revocation.

(l)(1) A person whose original or renewal application for a handgun qualification license is denied or whose handgun qualification license is revoked, may submit a written request to the Secretary for a hearing within 30 days after the date the written notice of the denial or revocation was sent to the aggrieved person.

(2) A hearing under this section shall be granted by the Secretary within 15 days after the request.

(3) A hearing and any subsequent proceedings of judicial review under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(4) A hearing under this section shall be held in the county of the legal residence of the aggrieved person.

(m)(1) If an original or renewal handgun qualification license is lost or stolen, a person may submit a written request to the Secretary for a replacement license.

(2) Unless the applicant is otherwise disqualified, the Secretary shall issue a replacement handgun qualification license on receipt of a written request and a nonrefundable fee to cover the cost of replacement up to \$20.

(n) The Secretary may adopt regulations to carry out the provisions of this section.

#### **Credits**

Added by [Acts 2013, c. 427, § 1, eff. Oct. 1, 2013](#). Amended by [Acts 2025, c. 261, § 1, eff. Oct. 1, 2025](#); [Acts 2025, c. 262, § 1, eff. Oct. 1, 2025](#).

#### **Editors' Notes**

#### **VALIDITY**

<For validity of this section, see [Maryland Shall Issue, Inc. v. Moore](#), 86 F.4th 1038 (4th Cir. 2023).>

#### [Notes of Decisions \(13\)](#)

MD Code, Public Safety, § 5-117.1, MD PUBLIC SAFETY § 5-117.1

Current through all legislation from the 2025 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 44. Firearms (Refs & Annos)

18 U.S.C.A. § 923

§ 923. Licensing

Currentness

**(a)** No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Attorney General shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

**(1)** If the applicant is a manufacturer--

**(A)** of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

**(B)** of firearms other than destructive devices, a fee of \$50 per year; or

**(C)** of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

**(2)** If the applicant is an importer--

**(A)** of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

**(B)** of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

**(3)** If the applicant is a dealer--

**(A)** in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

**(B)** who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.



(b) Any person desiring to be licensed as a collector shall file an application for such license with the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility as the Attorney General shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Attorney General shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license. Nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of such licensee's business inventory, except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity: *Provided*, That no other recordkeeping shall be required.

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if--

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under [section 922\(g\)](#) and (n) of this chapter;

(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time;

(F) the applicant certifies that--

(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

(iii) that the applicant has sent or delivered a form to be prescribed by the Attorney General, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license; and

(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).

(2) The Attorney General must approve or deny an application for a license within the 60-day period beginning on the date it is received. If the Attorney General fails to act within such period, the applicant may file an action under [section 1361 of title 28](#) to compel the Attorney General to act. If the Attorney General approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

(e) The Attorney General may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Attorney General under this chapter or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device). The Attorney General may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition. The Secretary's<sup>1</sup> action under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Attorney General stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

(2) If the Attorney General denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Attorney General shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

(3) If after a hearing held under paragraph (2) the Attorney General decides not to reverse his decision to deny an application or revoke a license, the Attorney General shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Attorney General was not authorized to deny the application or to revoke the license, the court shall order the Attorney General to take such action as may be necessary to comply with the judgment of the court.

(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter or of rules or regulations prescribed under this chapter, and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government before trial upon such charges, the Attorney General shall be absolutely barred from denying or revoking any license granted under this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Attorney General more than one year after the filing of the indictment or information.

(g)(1)(A) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such form, as the Attorney General may by regulations prescribe. Such importers, manufacturers, and dealers shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section. The Attorney General, when he has reasonable cause to believe a violation of this chapter has occurred and that evidence thereof may be found on such premises, may, upon demonstrating such cause before a Federal magistrate judge and securing from such magistrate judge a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector, or any licensed importer or manufacturer of ammunition, for the purpose of inspecting or examining--

(i) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under this chapter or rules or regulations under this chapter, and

(ii) any firearms or ammunition kept or stored by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector, at such premises.

(B) The Attorney General may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant--

(i) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

(ii) for ensuring compliance with the record keeping requirements of this chapter--

(I) not more than once during any 12-month period; or

(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee;  
or

(iii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(C) The Attorney General may inspect the inventory and records of a licensed collector without such reasonable cause or warrant--

(i) for ensuring compliance with the record keeping requirements of this chapter not more than once during any twelve-month period; or

(ii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(D) At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Attorney General designated for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Attorney General seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Attorney General may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of this chapter with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition, and he may provide information to the extent such information may be contained in the records required to be maintained by this chapter, when so requested by any Federal, State, or local law enforcement agency.

(2) Each licensed collector shall maintain in a bound volume the nature of which the Attorney General may by regulations prescribe, records of the receipt, sale, or other disposition of firearms. Such records shall include the name and address of any person to whom the collector sells or otherwise disposes of a firearm. Such collector shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section.

(3)(A) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Attorney General and forwarded to the office specified thereon and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place, not later than the close of business on the day that the multiple sale or other disposition occurs.

(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by [subsection \(g\) or \(n\) of section 922](#) of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy

each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.

**(4)** Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business discontinuance to the Attorney General. However, where State law or local ordinance requires the delivery of records to other responsible authority, the Attorney General may arrange for the delivery of such records to such other responsible authority.

**(5)(A)** Each licensee shall, when required by letter issued by the Attorney General, and until notified to the contrary in writing by the Attorney General, submit on a form specified by the Attorney General, for periods and at the times specified in such letter, all record information required to be kept by this chapter or such lesser record information as the Attorney General in such letter may specify.

**(B)** The Attorney General may authorize such record information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter. A licensee may use an alternate method of reporting if the licensee describes the proposed alternate method of reporting and the need therefor in a letter application submitted to the Attorney General, and the Attorney General approves such alternate method of reporting.

**(6)** Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Attorney General and to the appropriate local authorities.

**(7)** Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Attorney General for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Attorney General may require. The Attorney General shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information.

**(h)** Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

**(i)** Licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Attorney General shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

**(j)** A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Attorney General, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such

organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspection or examination of inventory or records under this chapter by the Attorney General at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Attorney General to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct "curios or relics" firearms transfers and business away from their business premises with another licensee without regard as to whether the location of where the business is conducted is located in the State specified on the license of either licensee.

**(k)** Licensed importers and licensed manufacturers shall mark all armor piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Attorney General by regulation. The Attorney General shall furnish information to each dealer licensed under this chapter defining which projectiles are considered armor piercing ammunition as defined in [section 921\(a\)\(17\)\(B\)](#).

**(l)** The Attorney General shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

#### CREDIT(S)

(Added [Pub.L. 90-351, Title IV, § 902](#), June 19, 1968, 82 Stat. 231; amended [Pub.L. 90-618, Title I, § 102](#), Oct. 22, 1968, 82 Stat. 1221; [Pub.L. 97-377, Title I, § 165\(b\)](#), Dec. 21, 1982, 96 Stat. 1923; [Pub.L. 99-308](#), § 103, May 19, 1986, 100 Stat. 453; [Pub.L. 99-360](#), § 1(c), July 8, 1986, 100 Stat. 766; [Pub.L. 99-408](#), §§ 3 to 7, Aug. 28, 1986, 100 Stat. 921; [Pub.L. 100-690, Title VII, § 7060\(d\)](#), Nov. 18, 1988, 102 Stat. 4404; [Pub.L. 101-647, Title XXII, § 2203\(a\)](#), [Title XXXV, § 3525](#), Nov. 29, 1990, 104 Stat. 4857, 4924; [Pub.L. 101-650, Title III, § 321](#), Dec. 1, 1990, 104 Stat. 5117; [Pub.L. 103-159, Title II, § 201](#), [Title III, § 303](#), Nov. 30, 1993, 107 Stat. 1544, 1545; [Pub.L. 103-322, Title XI, §§ 110102\(d\)](#), 110103(d), 110105(2), 110301(a), 110302 to 110307, [Title XXXIII, § 330011\(i\)](#), Sept. 13, 1994, 108 Stat. 1998, 1999, 2000, 2012, 2013, 2014, 2145; [Pub.L. 104-208](#), Div. A, Title I, § 101(f) [[Title I, § 118](#)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-326; [Pub.L. 104-294, Title VI, § 603\(j\)\(1\)](#), **(k)**, **(l)**, Oct. 11, 1996, 110 Stat. 3504, 3505; [Pub.L. 105-277](#), Div. A, § 101(b) [[Title I, § 119\(b\)](#), (c)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-69; [Pub.L. 107-296, Title XI, § 1112\(f\)\(5\)](#), **(6)**, Nov. 25, 2002, 116 Stat. 2276.)

#### Notes of Decisions (164)

#### Footnotes

<sup>1</sup> So in original. Probably should be "Attorney General's".

United States Code Annotated  
Title 15. Commerce and Trade  
Chapter 105. Protection of Lawful Commerce in Arms

15 U.S.C.A. § 7901

§ 7901. Findings; purposes

Currentness

**(a) Findings**

Congress finds the following:

- (1)** The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.
- (2)** The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.
- (3)** Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.
- (4)** The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.
- (5)** Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition products that have been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.
- (6)** The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes an unreasonable burden on interstate and foreign commerce of the United States.
- (7)** The liability actions commenced or contemplated by the Federal Government, States, municipalities, and private interest groups and others are based on theories without foundation in hundreds of years of the common law and jurisprudence of the United States and do not represent a bona fide expansion of the common law. The possible sustaining of these actions by a maverick judicial officer or petit jury would expand civil liability in a manner never contemplated by the framers of



the Constitution, by Congress, or by the legislatures of the several States. Such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution.

(8) The liability actions commenced or contemplated by the Federal Government, States, municipalities, private interest groups and others attempt to use the judicial branch to circumvent the Legislative branch of government to regulate interstate and foreign commerce through judgments and judicial decrees thereby threatening the Separation of Powers doctrine and weakening and undermining important principles of federalism, State sovereignty and comity between the sister States.

**(b) Purposes**

The purposes of this chapter are as follows:

(1) To prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products, and their trade associations, for the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.

(2) To preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment.

(4) To prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce.

(5) To protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the Government for a redress of their grievances.

(6) To preserve and protect the Separation of Powers doctrine and important principles of federalism, State sovereignty and comity between sister States.

(7) To exercise congressional power under article IV, section 1 (the Full Faith and Credit Clause) of the United States Constitution.

**CREDIT(S)**

([Pub.L. 109-92](#), § 2, Oct. 26, 2005, 119 Stat. 2095.)

[Notes of Decisions \(4\)](#)



15 U.S.C.A. § 7901, 15 USCA § 7901

Current through P.L. 119-36. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 15. Commerce and Trade  
Chapter 105. Protection of Lawful Commerce in Arms

15 U.S.C.A. § 7902

§ 7902. Prohibition on bringing of qualified civil liability actions in Federal or State court

[Currentness](#)

**(a) In general**

A qualified civil liability action may not be brought in any Federal or State court.

**(b) Dismissal of pending actions**

A qualified civil liability action that is pending on October 26, 2005, shall be immediately dismissed by the court in which the action was brought or is currently pending.

**CREDIT(S)**

([Pub.L. 109-92](#), § 3, Oct. 26, 2005, 119 Stat. 2096.)

[Notes of Decisions \(21\)](#)

15 U.S.C.A. § 7902, 15 USCA § 7902

Current through P.L. 119-36. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 15. Commerce and Trade  
Chapter 105. Protection of Lawful Commerce in Arms

15 U.S.C.A. § 7903

§ 7903. Definitions

[Currentness](#)

In this chapter:

**(1) Engaged in the business**

The term “engaged in the business” has the meaning given that term in [section 921\(a\)\(21\) of Title 18](#), and, as applied to a seller of ammunition, means a person who devotes time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition.

**(2) Manufacturer**

The term “manufacturer” means, with respect to a qualified product, a person who is engaged in the business of manufacturing the product in interstate or foreign commerce and who is licensed to engage in business as such a manufacturer under chapter 44 of Title 18.

**(3) Person**

The term “person” means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

**(4) Qualified product**

The term “qualified product” means a firearm (as defined in [subparagraph \(A\) or \(B\) of section 921\(a\)\(3\) of Title 18](#)), including any antique firearm (as defined in [section 921\(a\)\(16\) of such title](#)), or ammunition (as defined in [section 921\(a\)\(17\)\(A\) of such title](#)), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

**(5) Qualified civil liability action**

**(A) In general**

The term “qualified civil liability action” means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages,

injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include--

(i) an action brought against a transferor convicted under [section 924\(h\) of Title 18](#), or a comparable or identical State felony law, by a party directly harmed by the conduct of which the transferee is so convicted;

(ii) an action brought against a seller for negligent entrustment or negligence per se;

(iii) an action in which a manufacturer or seller of a qualified product knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including--

(I) any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under Federal or State law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or

(II) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under [subsection \(g\)](#) or [\(n\) of section 922 of Title 18](#);

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense, then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) an action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of Title 18 or chapter 53 of Title 26.

#### **(B) Negligent entrustment**

As used in subparagraph (A)(ii), the term “negligent entrustment” means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

#### **(C) Rule of construction**

The exceptions enumerated under clauses (i) through (v) of subparagraph (A) shall be construed so as not to be in conflict, and no provision of this chapter shall be construed to create a public or private cause of action or remedy.

**(D) Minor child exception**

Nothing in this chapter shall be construed to limit the right of a person under 17 years of age to recover damages authorized under Federal or State law in a civil action that meets 1 of the requirements under clauses (i) through (v) of subparagraph (A).

**(6) Seller**

The term “seller” means, with respect to a qualified product--

(A) an importer (as defined in [section 921\(a\)\(9\) of Title 18](#)) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of Title 18;

(B) a dealer (as defined in [section 921\(a\)\(11\) of Title 18](#)) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of Title 18; or

(C) a person engaged in the business of selling ammunition (as defined in [section 921\(a\)\(17\)\(A\) of Title 18](#)) in interstate or foreign commerce at the wholesale or retail level.

**(7) State**

The term “State” includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

**(8) Trade association**

The term “trade association” means--

(A) any corporation, unincorporated association, federation, business league, professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(B) that is an organization described in [section 501\(c\)\(6\) of Title 26](#) and exempt from tax under section 501(a) of such title; and

(C) 2 or more members of which are manufacturers or sellers of a qualified product.

**(9) Unlawful misuse**

The term “unlawful misuse” means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

**CREDIT(S)**

([Pub.L. 109-92](#), § 4, Oct. 26, 2005, 119 Stat. 2097.)

[Notes of Decisions \(28\)](#)

15 U.S.C.A. § 7903, 15 USCA § 7903

Current through P.L. 119-36. Some statute sections may be more current, see credits for details.

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LII > State Regulations > Maryland Code of Regulations  
> Title 29 - MARYLAND STATE POLICE > Subtitle 03 - WEAPONS REGULATIONS  
> Md. Code Regs. tit. 29, subtit. 03, ch. 29.03.01 - Regulated Firearms  
> **Md. Code Regs. 29.03.01.25 - Multiple Purchases - Collectors**

## Md. Code Regs. 29.03.01.25 - Multiple Purchases - Collectors

State Regulations    Compare

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- A. A person shall be designated as a collector by the Secretary before applying for a multiple purchase of regulated firearms as a collector.
- B. A person may submit an application to be designated as a collector if the person:
- (1) Devotes time and attention to acquiring certain types of regulated firearms for the enhancement of the collector's personal collection; or
  - (2) Possesses a Federal Collector's License (Curio and Relics).
- C. The designated collector application shall be submitted in the format prescribed by the Secretary.

D. The designated collector application shall include:

- (1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;
- (2) A description of the nature of the applicant's collecting activities;
- (3) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a firearm; and
- (4) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

E. If a designated collector application is approved or denied by the Secretary, the Secretary shall provide written notification to the person within a reasonable time after receiving a properly completed application.

F. The Secretary shall revoke without prejudice a person's designated collector status by written notification, either in person or by mail to the person's last known address, if the person is:

- (1) Under indictment for a crime of violence; or
- (2) Arrested for any violation that would prohibit the purchase or possession of a regulated firearm.

G. A person whose designated collector application is denied or whose designated collector status is revoked may submit a written request to the Secretary for a review of the decision within 30 days after the date that the written notice of denial or revocation was sent by the Secretary.

- (1) The person may request a review of the decision in writing or may request a hearing before the Commander of the Licensing Division, the Supervisor of the Firearms Registration Section, or the denying officer.



(2) The person shall be granted a review of the denial or revocation within 30 days after the person's request for review.

## Notes

Md. Code Regs. 29.03.01.25

Regulations .25 adopted as an emergency provision effective 40:21 Md. R. 1772, eff.10/1/2013 ; adopted permanently effective 40:25 Md. R. 2071, eff.12/23/2013

