

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of House Bill No. 1950

TO AMEND THE STATUTES REGARDING THE TAXATION OF TOBACCO PRODUCTS; TO PROVIDE FOR THE DISCLOSURE OF INFORMATION RELATING TO TOBACCO SALES AND TAXATION; AND TO CREATE THE TOBACCO PRODUCTS REPORTING ACT.

Amendment No. 1 to House Bill No. 1950

Amend House Bill No. 1950 as originally introduced:

Page 3, delete lines 17 and 18 and substitute the following:

"(4) "Cigarette" means a cigarette as defined in § 26-57-260 that is subject to federal excise tax;"

AND

Page 4, delete lines 18 and 19 and substitute the following:

"(i) That is the first person in the United States to which non-tax-paid cigarettes manufactured in a foreign country are shipped or consigned;"

AND

Page 9, delete line 7 and substitute "furnish tax stamps to licensed wholesalers ~~directly or~~ through stamp deputies."

AND

Page 9, line 30, delete "tobacco products" and substitute "cigarettes"

AND

Page 9, line 31, delete "tobacco products" and substitute "cigarettes"

AND

Page 11, line 35, delete "a violation" and substitute "a knowing violation"

AND



Page 13, line 4, delete "information:" and substitute "information identified by name and number of cigarettes and the manufacturer and brand family of the cigarettes:"

AND

Page 15, delete lines 16 through 18 and substitute the following:

"(B) Provides on at least a monthly basis and on the form prescribed by the director a report indicating the following for each brand family:

(i) The number of cigarettes purchased during the reporting period;

(ii) The number of cigarettes on which the wholesaler affixed the tax stamp prescribed by this subchapter;

(iii) The number of cigarettes on which the wholesaler affixed the tax stamp or other similar indicia of taxation prescribed by another state's laws; and

(iv) The number of cigarettes that remain in the wholesaler's inventory."

AND

Page 15, delete lines 24 through 28 and substitute the following:

"(B) Would not violate the law of the other state by selling or affixing the tax stamp; and

(C) Provides on at least a monthly basis and on the form prescribed by the director a report indicating the following for each brand family:

(i) The number of cigarettes purchased during the reporting period;

(ii) The number of cigarettes on which the wholesaler affixed the tax stamp prescribed by this subchapter;

(iii) The number of cigarettes on which the wholesaler affixed the tax stamp or other similar indicia of taxation prescribed by another state's laws; and

(iv) The number of cigarettes that remain in the wholesaler's inventory."

AND

Immediately following SECTION 9, add an additional section to read as follows:

"SECTION 10. Arkansas Code § 26-57-260(10)(A), concerning the definition of "units sold" for purposes of §§ 26-57-260 and 26-57-261, is amended to read as follows:

"Units sold" means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, during the year in question, as measured by excise taxes collected by the state on packs or roll-your-own tobacco containers bearing the excise tax stamp of the state same as defined in § 26-57-1302."

AND

Page 17, line 26, delete "SECTION 10" and substitute "SECTION 11"

AND

Immediately following SECTION 10, add an additional section to read as follows:

"SECTION 12. Arkansas Code § 26-57-1302(j), concerning the definition of "units sold", is amended to read as follows:

(j)(1) ~~"Units sold" has the same meaning as that term is defined in § 26-57-260(10)(A)~~ means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer, whether directly or indirectly through a distributor, retailer, or similar intermediary, during the year.

(2) "Units sold" includes all nonparticipating manufacturer cigarettes that are required to be sold in a package bearing a stamp required under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq.

AND

Appropriately renumber the sections of the bill

AND

Page 25, line 20, delete "the failure" and substitute "the knowing failure"

AND

Page 25, line 30, delete "and each wholesaler"

The Amendment was read _____

By: Representative J. Edwards

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Chief Clerk