

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1156

TO IMPOSE A TAX ON E-CIGARETTES; AND TO CREATE THE E-CIGARETTES TAX ACT.

Amendment No. 1 to House Bill No. 1156

Amend House Bill No. 1156 as originally introduced:

Page 1, delete lines 28 through 36, and substitute the following:

"(1) "Consumable product" means a liquid product that:

(A) May or may not contain nicotine;

(B) Is vaporized and inhaled when using a vapor product;

and

(C) Includes without limitation propylene glycol, vegetable glycerin, nicotine from any source, and flavorings; and

(2)(A) "E-cigarette" means an electronic oral device of any size or shape that provides a vapor of nicotine, e-liquid, or any other substance that, when used or inhaled, simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that:

(i) Is composed of a:

(a) Heating element;

(b) Battery;

(c) Electronic circuit;

(d) Chemical process;

(e) Mechanical device; or

(f) Combination of a heating element, battery, electronic circuit, chemical process, or mechanical device;

(ii) Works in combination with a cartridge, consumable product, other container or liquid delivery device containing nicotine, or any other substance that is manufactured for use with vapor products; and

(iii) Is manufactured, distributed, marketed, or sold as any type or derivation of a vapor product, e-cigar, e-pipe, e-cigarette, or any other product name or descriptor.

(B) "E-cigarette" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 351 et seq."

AND

Page 2, delete lines 1 through 10



AND

Page 2, delete line 36, and substitute the following:

"(d)(1) An Arkansas consumer who purchases an untaxed consumable product is liable for reporting and remitting the excise due on the consumable product under this subchapter.

(2) The excise tax due under this subchapter shall be reported on or before the fifteenth day of the month following the month in which the untaxed purchase of the consumable product was made.

(3) The report shall:

(A) Be submitted on the form prescribed by the director;
and

(B) Contain the information required by the director.

(4) When a report is filed under this subsection, the consumer shall remit the full amount of the excise tax due on the untaxed purchase of the consumable product to the director.

(e) The director may directly assess the excise tax due under this subchapter on any untaxed consumable product against a consumer who purchases the untaxed consumable product and does not report and remit the excise tax due under this subchapter in a timely manner."

AND

Page 3, delete lines 1 through 6

AND

Page 3, delete lines 14 through 18

AND

Page 3, line 20, delete "Licenses" and substitute "E-cigarette excise tax permit"

AND

Page 3, delete lines 24 through 26, and substitute the following:

"dealers within the state shall register with the Director of the Department of Finance and Administration to obtain an e-cigarette excise tax permit for the privilege of conducting such business within the State of Arkansas."

AND

Page 3, line 28, delete "obtain a license" and substitute "register with the director to obtain an e-cigarette excise tax permit"

AND

Page 3, line 30, delete "a license" and substitute "an e-cigarette excise tax permit"

AND

Page 3, line 31, delete "a license" and substitute "an e-cigarette excise tax permit"

AND

Page 3, line 32, delete "license" and substitute "e-cigarette excise tax permit"

AND

Page 4, line 1, delete "Treasurer of State" and substitute "Director of the Department of Finance and Administration"

AND

Page 4, line 3, delete "Twenty-five percent (25%)" and substitute "Thirty percent (30%)"

AND

Page 4, delete lines 6 and 7, and substitute the following:

"(2) Thirty percent (30%) shall be credited to the Miscellaneous Agencies Fund Account to be used exclusively for the benefit of Arkansas Tobacco Control, and any funds distributed under this subdivision (2) shall carry forward to the next fiscal year to be used for the purposes stated in this subdivision (2);"

AND

Page 4, line 8, delete "Twenty-five percent (25%)" and substitute "Twenty percent (20%)"

AND

Page 4, line 11, delete "Twenty-five percent (25%)" and substitute "Twenty percent (20%)"

AND

Page 4, line 15, delete "shall" and substitute "may"

The Amendment was read _____

By: Representative Blake
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Chief Clerk