

HOUSE BILL NO. HB0147

Tobacco settlement amendments.

Sponsored by: Representative(s) Osborn and Parady and
Senator(s) Coe

A BILL

for

1 AN ACT relating to the regulation of tobacco product
2 wholesalers; modifying provisions for the release of
3 escrowed funds as specified; amending a definition; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 9-4-1201(a)(x) and 9-4-1202(b)(ii)

9 are amended to read:

10

11 **9-4-1201. Definitions.**

12

13 (a) As used in this act:

14

15 (x) "Units sold" means the number of individual
16 cigarettes sold in the state by the applicable tobacco

1 product manufacturer (whether directly or through a
2 distributor, retailer or similar intermediary or
3 intermediaries) during the year in question, as measured by
4 excise taxes collected by the state on packs of cigarettes
5 ~~(or "roll-your-own" tobacco containers.) bearing the excise~~
6 ~~tax stamp of the state.~~ The department of revenue shall
7 promulgate such regulations as are necessary to ascertain
8 the amount of state excise tax paid on the cigarettes of
9 such tobacco product manufacturer for each year;

10
11 **9-4-1202. Requirements.**

12
13 (b) A tobacco product manufacturer that places funds
14 into escrow pursuant to paragraph (a)(ii) of this section
15 shall receive the interest or other appreciation on such
16 funds as earned. Such funds themselves shall be released
17 from escrow only under the following circumstances:

18
19 (ii) To the extent that a tobacco product
20 manufacturer establishes that the amount it was required to
21 place into escrow on account of units sold in the state in
22 a particular year was greater than ~~the state's allocable~~
23 ~~share of the total payments that such manufacturer would~~
24 ~~have been required to make in that year under the master~~

1 ~~settlement agreement (as determined pursuant to section~~
2 ~~IX(i)(2) of the master settlement agreement and before any~~
3 ~~of the adjustments or offsets described in section IX(i)(3)~~
4 ~~of that agreement other than the inflation adjustment) the~~
5 master settlement agreement payments, as determined
6 pursuant to section IX(I) of that agreement including after
7 final determination of all adjustments, that such
8 manufacturer would have been required to make on account of
9 such units sold had it been a participating manufacturer,
10 the excess shall be released from escrow and revert back to
11 such tobacco product manufacturer; or

12

13 **Section 2.** If this act, or any portion of the
14 amendment to W.S. 9-4-1202(b)(ii) made by this act, is held
15 by a court of competent jurisdiction to be
16 unconstitutional, then this act shall be deemed repealed,
17 and W.S. 9-4-1202(b)(ii) restored as if no such amendments
18 had been made. Neither any holding of unconstitutionality
19 nor the repeal of this act's amendments to W.S.
20 9-4-1202(b)(ii) shall affect, impair or invalidate any
21 other portion of W.S. 9-4-1201 through 9-4-1210, or the
22 application of such section to any other person or
23 circumstance, and such remaining portions of W.S. 9-4-1201

1 through 9-4-1210 shall at all times continue in full force
2 and effect.

3

4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9 (END)