

HB0282

Tobacco products.

Sponsored By: House Appropriations Committee

AN ACT relating to tobacco; specifying the sellers who are retailers of tobacco products for purposes of prohibiting sales to minors; requiring checks of identification as specified; providing for an injunction of retailers; specifying tobacco products for taxation purposes; specifying that tobacco products include electronic cigarettes, vapor material and additional accessories; and providing for an effective date.

1/28/2019 Bill Number Assigned
1/29/2019 H Received for Introduction
1/29/2019 H Introduced and Referred to H02 - Appropriations
1/31/2019 H02 - Appropriations:Recommend Do Pass 5-2-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Larsen, Nicholas, Schwartz, Sommers

Nays: Representative(s) Olsen, Walters

Ayes 5 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

1/31/2019 H Placed on General File

HB0282HW001/FAILED

Page 1-line 6 Delete "increasing the tax rate".
Page 1-line 7 Delete "on cigarettes;".
Page 1-line 11 After "14-3-302(e)" delete "," and insert "and".
Page 1-line 12 Delete "and".
Page 1-line 13 Delete line through "(b)(i) and (ii)".
Page 5-lines 13 through 23 Delete entirely.
Page 6-lines 1 through 11 Delete entirely. LINDHOLM, GREEAR, MILLER

HB0282HW002/ADOPTED

Delete the Lindholm, et al. committee of the whole amendment (HB0282HW001/A) entirely and further amend as follows:

Page 1-line 7 After "cigarettes;" insert "providing for the reporting and taxation of floor stock as specified; providing and modifying definitions;".
Page 1-line 11 Delete "(iii)" and insert "(i), (iii) and (v)".
Page 1-line 12 After "(ix) through (xi)" insert ", 39-18-102 by creating a new subsection (c)".
Page 2-after line 1 Insert:
 "(i) "Tobacco products" means ~~any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco~~ as defined in W.S. 39-18-101(a)(x);" .
Page 2-after line 7 Insert:
 "(v) "Electronic cigarette" means ~~a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system~~ as defined in W.S. 39-18-101(a)(ix)." .
Page 4-line 22 After "cigarettes and" delete balance of line.
Page 4-line 23 Delete entirely.
Page 5-line 1 Delete "papers, pipes and".

Page 5-after line 11 Insert:

"39-18-102. Administration; confidentiality.

(c) The department may promulgate necessary rules and regulations to effectuate the purposes of this chapter."

Page 6-after line 11 Insert:

"Section 2.

(a) Each Wyoming licensed wholesaler required to pay taxes under W.S. 39-18-104 shall:

(i) Take a physical inventory of all cigarettes in packages bearing Wyoming tax stamps, and all unaffixed Wyoming cigarette tax stamps possessed by the wholesaler or in their control at 11:59 p.m. on the effective date of this act;

(ii) File a return with the department not later than ten (10) days after the effective date of this act, showing the inventory taken under paragraph (i) of this subsection;

(iii) Pay a floor stock tax at a proportionate rate equal to the increase in tobacco taxes under section 1 of this act for all cigarettes in the possession or control of the wholesaler at 11:59 p.m. on the effective date of this act.

(b) The floor stock tax imposed by subsection (a) of this section may be paid in three (3) installments. The first installment, in an amount equal to at least one third (1/3) of the total amount due, shall be remitted with the return provided to the department not later than ten (10) days following the effective date of this act. The second installment, in an amount that brings the total amount paid to at least two thirds (2/3) of the total amount due, shall be remitted one (1) month following the due date of the first installment. The third installment, in an amount equal to the remaining balance, shall be remitted two (2) months following the due date of the first installment. Penalties under W.S. 39-18-108(c)(iv) shall not be imposed against any outstanding installment payment not yet due from a wholesaler who files the return and makes payments as required under this section.

(c) The department of revenue shall provide notice of the effective date of this act to each Wyoming licensed wholesaler required to pay taxes under W.S. 39-18-104 not less than fifteen (15) days before the effective date of this act."

Page 6-line 13 Delete "2." and insert "3.". SOMMERS

2/4/2019 H COW:Passed

HB0282H2001/ADOPTED

Page 1-line 3 After "minors;" insert "requiring checks of identification as specified;"

Page 1-line 11 After "14-3-302(e)" insert "and by creating a new subsection (h)".

Page 3-after line 19 Insert:

"(h) A retailer who mails or ships electronic cigarettes or vapor material, as defined in W.S. 39-18-101(a)(xi), shall use a method of mailing or shipping that requires:

(i) The purchaser placing the delivery sale order, or an adult who is at least eighteen (18) years of age, to sign to accept delivery of the shipping container at the delivery address; and

(ii) The person who signs to accept delivery of the shipping container to provide proof, in the form of valid, government issued identification bearing a photograph of the individual, that the person is at least eighteen (18) years of age." SOMMERS

HB0282H2002/FAILED

Page 6-lines 7 and 8 Delete all new language and insert "One and seventy-four hundredth cents (\$.0174)".
Page 6-lines 10 and 11 Delete all new language and insert "Three and eight-tenths cents (\$.038)". HALLINAN

2/5/2019 H 2nd Reading:Passed

HB0282H3001/WITHDRAWN

HB0282H3002/ADOPTED

Page 1-line 6 Delete "increasing the tax rate".
Page 1-line 7 Delete "on cigarettes;".
Page 1-line 13 Delete the line through "and (ii)".
Page 5-lines 13 through 23 Delete entirely.
Page 6-lines 1 through 11 Delete entirely. LINDHOLM

HB0282H3003/ADOPTED

Page 6-lines 1 through 11 Delete the Lindholm amendment (HB0282H3002/A) to these lines entirely.
Page 6-lines 7 and 8 Delete all new language and insert "One and seventy-four hundredth cents (\$.0174)".
Page 6-lines 10 and 11 Delete all new language and insert "Three and eight-tenths cents (\$.038)". HALLINAN, ZWONITZER

HB0282H3004/WITHDRAWN

HB0282H3005/ADOPTED

Page 1-lines 6 and 7 Delete the Lindholm third reading amendment (HB0282H3002/A) to these lines entirely.
Page 1-line 13 Delete the Lindholm third reading amendment (HB0282H3002/A) to this line; delete "(a)(i), (ii)".
Page 5-line 13 Delete the Lindholm third reading amendment (HB0282H3002/A) to this line. NICHOLAS

2/6/2019 H 3rd Reading:Failed 24-33-3-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Burlingame, Clem, Connolly, Dayton-Selman, Eklund, Eyre, Freeman, Furphy, Haley, Hallinan, Harshman, Henderson, Kinner, Larsen, Nicholas, Obermueller, Paxton, Pelkey, Pownall, Roscoe, Schwartz, Simpson, Zwonitzer

Nays: Representative(s) Blackburn, Blake, Brown, Burkhart, Clausen, Clifford, Crank, Duncan, Edwards, Flitner, Gray, Greear, Hunt, Jennings, Laursen, Lindholm, Loucks, Miller, Newsome, Olsen, Piiparinen, Salazar, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin

Excused: Representative(s) Kirkbride, MacGuire, Northrup

Ayes 24 Nays 33 Excused 3 Absent 0 Conflicts 0

2/7/2019 H 3rd Reading:Rescind original vote pursuant to Mason's §§ 480 to 483 Passed 43-16-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blake, Burlingame, Clausen, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Lindholm, MacGuire, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen,

Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Western, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Blackburn, Brown, Burkhart, Clem, Edwards, Freeman, Gray, Jennings, Laursen, Loucks, Miller, Newsome, Salazar, Styvar, Walters, Washut

Excused: Representative Northrup

Ayes 43 **Nays** 16 **Excused** 1 **Absent** 0 **Conflicts** 0

HB0282H3006/ADOPTED (CORRECTED COPY)

Delete the Hallinan, et al. third reading amendment (HB0282H3003/A) entirely.

Delete the Nicholas third reading amendment (HB0282H3005/A) entirely.

Page 1-line 7 Delete the Sommers committee of the whole amendment (HB0282HW002/A) to this line.

Page 6-after line 11 Delete the Sommers committee of the whole amendment (HB0282HW002/A) to this line.

Page 6-line 13 Delete the Sommers committee of the whole amendment (HB0282HW002/A) to this line. LINDHOLM

HB0282H3007/WITHDRAWN

HB0282H3008/WITHDRAWN

2/7/2019 H 3rd Reading:Passed 39-20-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blake, Burlingame, Clausen, Clifford, Connolly, Crank, Dayton-Selman, Eklund, Eyre, Flitner, Freeman, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Kinner, Kirkbride, Larsen, Lindholm, MacGuire, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Sweeney, Walters, Winter, Yin, Zwonitzer

Nays: Representative(s) Blackburn, Brown, Burkhart, Clem, Duncan, Edwards, Gray, Hunt, Jennings, Laursen, Loucks, Miller, Newsome, Piiparinen, Salazar, Styvar, Tass, Washut, Western, Wilson

Excused: Representative Northrup

Ayes 39 **Nays** 20 **Excused** 1 **Absent** 0 **Conflicts** 0

2/11/2019 S Introduced and Referred to S10 - Labor

2/26/2019 S No report prior to COW Cutoff

2/26/2019 S No report prior to COW Cutoff

2/26/2019 S:Died in Committee Returned Bill Pursuant to SR 5-4