

SENATE FILE NO. SF0042

Taxation of cigars.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to tobacco taxes; specifying a maximum tax  
2 on cigars; providing that the tax on a premium cigar is due  
3 following the sale of the cigar; providing a definition;  
4 and providing for an effective date.

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

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8       **Section 1.** W.S. 39-18-101(a) by creating a new  
9 paragraph (xii), 39-18-104(c) and (d) and 39-18-107(a)(i),  
10 (ii), (b)(i), (ii) and (c)(i)(intro) are amended to read:

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12       **39-18-101. Definitions.**

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14       (a) As used in this article:

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16       (xii) "Premium cigar" means a cigar that:

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(A) Is wrapped in whole tobacco leaf;

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(B) Is handmade or hand rolled; and

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(C) Has no filter, non-tobacco tip or  
non-tobacco mouthpiece.

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**39-18-104. Taxation rate.**

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(c) In addition to the other taxes imposed by this section, there is levied and assessed upon cigars, snuff and other tobacco products purchased or imported into this state by wholesalers for resale, except cigarettes and moist snuff taxed under this section, an excise tax at the rate of twenty percent (20%) of the wholesale purchase price at which the tobacco products are purchased by wholesalers from manufacturers. The tax rate under this subsection shall not exceed thirty cents (\$0.30) per premium cigar.

(d) The tax imposed by subsection (c) of this section shall also be imposed upon the use or storage by consumers

1 of cigars, snuff and other tobacco products other than  
2 cigarettes and moist snuff in this state, and upon those  
3 consumers, at the rate of ten percent (10%) of the retail  
4 price of the cigar, snuff or other tobacco product other  
5 than cigarettes and moist snuff. This tax shall not apply  
6 if the tax imposed by subsection (c) of this section has  
7 been paid. The tax rate under this subsection shall not  
8 exceed thirty cents (\$0.30) per premium cigar.

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10 **39-18-107. Compliance; collection procedures.**

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12 (a) Returns and reports. The following shall apply:

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14 (i) Each wholesaler shall keep complete and  
15 accurate records of all nicotine products purchased and  
16 sold for three (3) years. The records shall be in the form  
17 prescribed by the department and will be available for  
18 inspection by the department at any reasonable time. The  
19 department may investigate and examine the stock of  
20 cigarettes and premium cigars upon any premises where they  
21 are stored or sold;

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1           (ii) On or before the tenth day of each calendar  
2 quarter, every consumer who, during the preceding calendar  
3 quarter, has acquired title to or possession of nicotine  
4 products for use or storage in this state, upon which  
5 products the tax imposed by W.S. 39-18-103(a)(iii) and (v)  
6 has not been paid, shall file a return with the department  
7 showing the quantity of such products so acquired. The  
8 return shall be made upon a form furnished and prescribed  
9 by the department and shall contain such other information  
10 as the department may require. The return shall be  
11 accompanied by a remittance for the full unpaid tax  
12 liability shown by it, provided that the tax on premium  
13 cigars shall be due upon the sale of the premium cigars as  
14 provided in subsection (b) of this section.

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16           (b) Payment. The following shall apply:

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18           (i) There is levied and shall be collected and  
19 paid to the department an excise tax at the rate imposed by  
20 W.S. 39-18-104(a) and (c) upon the sale of each cigarette  
21 and premium cigar sold by wholesalers;

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1           (ii) There is levied and shall be paid to the  
2 department an excise tax at the rate imposed by W.S.  
3 39-18-104(b) and (d) upon the use or storage by consumers  
4 of cigarettes and premium cigars in Wyoming but only if the  
5 tax imposed by paragraph (i) of this subsection has not  
6 been paid;

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8           (c) Timelines. The following shall apply:

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10           (i) No later than the twentieth day of the month  
11 following the sale of cigarettes and premium cigars, or the  
12 month following the end of the calendar quarter for  
13 nicotine products other than cigarettes and premium cigars,  
14 each wholesaler shall return to the department the  
15 following information on forms furnished by the department:

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17           **Section 2.** This act is effective July 1, 2023.

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(END)