

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1735 Session of  
2015

INTRODUCED BY MAHER AND KRUEGER-BRANEKY, DECEMBER 2, 2015

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, DECEMBER 8, 2015

## AN ACT

1 Amending the act of December 30, 2003 (P.L.441, No.64), entitled  
2 "An act requiring certifications by tobacco product  
3 manufacturers; providing for a directory of cigarettes  
4 approved for stamping and sale; conferring powers and  
5 imposing duties on the Attorney General and the Department of  
6 Revenue; and imposing penalties," in preliminary provisions,  
7 further providing for definitions.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The definition of "units sold" in section 102 of  
11 the act of December 30, 2003 (P.L.441, No.64), known as the  
12 Tobacco Product Manufacturer Directory Act, is amended to read:  
13 Section 102. Definitions.

14 The following words and phrases when used in this act shall  
15 have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 \* \* \*

18 "Units sold." The number of individual cigarettes sold in  
19 this Commonwealth by the applicable tobacco product manufacturer  
20 during the year in question, as measured by taxes collected by

1 the Commonwealth on packs[, or "roll-your-own" tobacco  
2 containers,] bearing the tax stamp of the Commonwealth required  
3 under section 1215 of the act of March 4, 1971 (P.L.6, No.2),  
4 known as the Tax Reform Code of 1971[.]~~;~~ BY taxes collected by <--  
5 the Commonwealth on "roll-your-own" tobacco containers which are  
6 not required to have a tax stamp under section 1215 of the Tax  
7 Reform Code of 1971 and, when authorized by the Department of <--  
8 Revenue~~;~~ AND BY taxes collected by the Commonwealth on <--  
9 cigarettes sold without a tax stamp, WHEN AUTHORIZED BY THE <--  
10 DEPARTMENT OF REVENUE under section ~~1215~~ 1215(H) of the Tax <--  
11 Reform Code of 1971.

12 Section 2. The following shall apply:

13 (1) The Office of Attorney General shall attempt to  
14 obtain the consent of the participating manufacturers under  
15 the master settlement agreement to the amendment of section  
16 102 of the act.

17 (2) If consent is obtained under paragraph (1), the  
18 Office of Attorney General shall:

19 (i) provide notice to the Secretary of Revenue; and  
20 (ii) publish a notice of the consent in the  
21 Pennsylvania Bulletin.

22 (3) If consent is not obtained under paragraph (1), the  
23 Office of Attorney General shall:

24 (i) notify the Secretary of Revenue; and  
25 (ii) publish a notice of the refusal in the  
26 Pennsylvania Bulletin.

27 Section 3. This act shall take effect as follows:

28 (1) The amendment of section 102 of the act shall take  
29 effect 60 days after the Office of Attorney General publishes  
30 notice of consent under section 2(2)(ii) of this act.

1           (2) The remainder of this act shall take effect  
2    immediately.