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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1736 Session of  
2015

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INTRODUCED BY BRANEKY AND MAHER, DECEMBER 2, 2015

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REFERRED TO COMMITTEE ON APPROPRIATIONS, DECEMBER 2, 2015

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AN ACT

1 Amending the act of June 22, 2000 (P.L.394, No.54), entitled "An  
2 act requiring certain tobacco product manufacturers to place  
3 certain moneys into an escrow fund; conferring powers and  
4 duties upon the Attorney General and the Department of  
5 Revenue; and imposing penalties," further providing for  
6 definitions.

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

9 Section 1. The definition of "units sold" in section 3 of  
10 the act of June 22, 2000 (P.L.394, No.54), known as the Tobacco  
11 Settlement Agreement Act, is amended to read:

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section:

15 \* \* \*

16 "Units sold." The number of individual cigarettes sold in  
17 this Commonwealth by the applicable tobacco product manufacturer  
18 during the year in question, as measured by taxes collected by  
19 the Commonwealth on packs[, or "roll-your-own" tobacco  
20 containers,] bearing the tax stamp of the Commonwealth required

1 under section 1215 of the act of March 4, 1971 (P.L.6, No.2),  
2 known as the Tax Reform Code of 1971[.], taxes collected by the  
3 Commonwealth on "roll-your-own" tobacco containers which are not  
4 required to have a tax stamp under section 1215 of the Tax  
5 Reform Code of 1971 and, when authorized by the Department of  
6 Revenue, taxes collected by the Commonwealth on cigarettes sold  
7 without a tax stamp under section 1215 of the Tax Reform Code of  
8 1971. The Department of Revenue shall promulgate such  
9 regulations as are necessary to ascertain the amount of State  
10 tax paid on the cigarettes of such tobacco product manufacturer  
11 for each year.

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 3  
16 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 3 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.