

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1736** Session of
2015

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

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

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[.]~~;~~ BY taxes collected by <--
3 the Commonwealth on "roll-your-own" tobacco containers which are
4 not 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; AND BY taxes collected by the Commonwealth on <--
7 cigarettes sold without a tax stamp, WHEN AUTHORIZED BY THE <--
8 DEPARTMENT OF REVENUE, under section ~~1215~~ 1215(H) of the Tax <--
9 Reform Code of 1971. The Department of Revenue shall promulgate
10 such regulations as are necessary to ascertain the amount of
11 State tax paid on the cigarettes of such tobacco product
12 manufacturer for each year.

13 Section 2. The following shall apply:

14 (1) The Office of Attorney General shall attempt to
15 obtain the consent of the participating manufacturers under
16 the master settlement agreement to the amendment of section 3
17 of the act.

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

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

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

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

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

29 (1) The amendment of section 3 of the act shall take
30 effect 60 days after the Office of Attorney General publishes

1 notice of consent under section 2(2)(ii) of this act.

2 (2) The remainder of this act shall take effect

3 immediately.