

2016 -- S 2288

=====
LC004223
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————
A N A C T

RELATING TO TAXATION -- LITTLE CIGAR TAX

Introduced By: Senators Miller, DaPonte, Sosnowski, Ruggerio, and Pichardo

Date Introduced: February 09, 2016

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative intent. – The use of tobacco and nicotine products by Rhode
2 Island youth is a serious health and addiction problem. Cigarette use has greatly declined among
3 Rhode Island youth, to eight percent (8%), but as the National Youth Tobacco Survey reports, in
4 2014 overall use of tobacco among youth rose, exposing dangerous new trends. Clever marketing
5 by the tobacco industry, pushing little cigars, hookahs, e-cigarettes, and flavored vaping products,
6 has put millions of young people at risk of lifelong lethal nicotine addiction. The general
7 assembly finds that each year, five hundred (500) children under the age of eighteen (18) in
8 Rhode Island become daily smokers. There are sixteen thousand (16,000) children currently alive
9 in Rhode Island today who will ultimately die prematurely from smoking. The department of
10 health reports that while eight percent (8%) of Rhode Island high school students currently smoke
11 cigarettes, eleven percent (11%) of Rhode Island public high school students currently smoke
12 cigars, cigarillos, or little cigars. Rhode Island's annual health care costs due to smoking are
13 \$639,604,224.

14 SECTION 2. Section 44-20-13.2 of the General Laws in Chapter 44-20 entitled
15 "Cigarette Tax" is hereby amended to read as follows:

16 **44-20-13.2. Tax imposed on smokeless tobacco, cigars, and pipe tobacco products. --**

17 (a) A tax is imposed on all smokeless tobacco, cigars, [except little cigars as specified in chapter](#)
18 [20.2 of this title](#), and pipe tobacco products sold or held for sale in the state by any person, the
19 payment of the tax to be accomplished according to a mechanism established by the

1 administrator, division of taxation, department of administration. Any tobacco product on which
2 the proper amount of tax provided for in this chapter has been paid, payment being evidenced by
3 a stamp, is not subject to a further tax under this chapter. The tax imposed by this section shall be
4 as follows:

5 (1) At the rate of eighty percent (80%) of the wholesale cost of cigars, [except little cigars](#)
6 [as specified in chapter 20.2 of this title](#), pipe tobacco products and smokeless tobacco other than
7 snuff.

8 (2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of
9 cigars, the tax shall not exceed fifty cents (\$.50) for each cigar.

10 (3) At the rate of one dollar (\$1.00) per ounce of snuff, and a proportionate tax at the like
11 rate on all fractional parts of an ounce thereof. Such tax shall be computed based on the net
12 weight as listed by the manufacturer, provided, however, that any product listed by the
13 manufacturer as having a net weight of less than 1.2 ounces shall be taxed as if the product has a
14 net weight of 1.2 ounces.

15 (b) Any dealer having in his or her possession any tobacco, cigars, and pipe tobacco
16 products with respect to the storage or use of which a tax is imposed by this section shall, within
17 five (5) days after coming into possession of the tobacco, cigars, and pipe tobacco in this state,
18 file a return with the tax administrator in a form prescribed by the tax administrator. The return
19 shall be accompanied by a payment of the amount of the tax shown on the form to be due.
20 Records required under this section shall be preserved on the premises described in the relevant
21 license in such a manner as to ensure permanency and accessibility for inspection at reasonable
22 hours by authorized personnel of the administrator.

23 (c) The proceeds collected are paid into the general fund.

24 SECTION 3. Sections 44-20.2-1 and 44-20.2-2 of the General Laws in Chapter 44-20.2
25 entitled "Little Cigar Tax" are hereby amended to read as follows:

26 **44-20.2-1. Definitions.** -- Whenever used in this chapter, unless the context requires
27 otherwise:

28 (1) "Administrator" means the tax administrator;

29 (2) "Dealer" means any person whether located within or outside of this state, who sells
30 or distributes little cigars to a consumer in this state;

31 (3) "Distributor" means any person:

32 (i) Whether located within or outside of this state, other than a dealer, who sells or
33 distributes little cigars within or into this state. Such term shall not include any little cigar
34 manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. §

1 5712, if such person sells or distributes little cigars in this state only to licensed distributors, or to
2 an export warehouse proprietor or another manufacturer with a valid permit under 26 U.S.C. §
3 5712;

4 (ii) Selling little cigars directly to consumers in this state by means of at least twenty-five
5 (25) little cigar vending machines.

6 (4) "Importer" means any person who imports into the United States, either directly or
7 indirectly, a finished little cigar for sale or distribution;

8 (5) "Licensed" when used with reference to a manufacturer, importer, distributor or
9 dealer, means only those persons who hold a valid and current license issued under § 44-20-2 for
10 the type of business being engaged in. When the term "licensed" is used before a list of entities,
11 such as "licensed manufacturer, importer, wholesale dealer, or retailer dealer," such term shall be
12 deemed to apply to each entity in such list;

13 (6) "Little cigars" means and includes any roll, made wholly or in part of tobacco,
14 irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or
15 mixed with any other ingredient, where such roll has a wrapper or cover made of tobacco
16 wrapped in leaf tobacco or any substance containing tobacco paper or any other material and
17 where such roll has an integrated filter, except where such wrapper is wholly or in greater part
18 made of tobacco and where such roll has an integrated filter and weighs over ~~four (4)~~ four and
19 one-half (4.5) pounds per thousand (1,000);

20 (7) "Manufacturer" means any person who manufactures, fabricates, assembles,
21 processes, or labels a finished little cigar;

22 (8) "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or
23 association, however formed;

24 (9) "Place of business" means and includes any place where little cigars are sold or
25 where little cigars are stored or kept for the purpose of sale or consumption, including any vessel,
26 vehicle, airplane, train, or vending machine;

27 (10) "Sale" or "Sell" includes and applies to gifts, exchanges, and barter;

28 (11) "Snuff" means any finely cut, ground, or powdered tobacco that is not intended to
29 be smoked;

30 (12) "Stamp" means the impression, device, stamp, label, or print manufactured, printed,
31 or made as prescribed by the administrator to be affixed to packages of little cigars, as evidence
32 of the payment of the tax provided by this chapter or to indicate that the little cigars are intended
33 for a sale or distribution in this state that is exempt from state tax under the provisions of state
34 law and also includes impressions made by metering machines authorized to be used under the

1 provisions of this chapter.

2 **44-20.2-2. Tax imposed on little cigars sold.** -- (a) The tax imposed on little cigars shall
3 be imposed in the same manner as the tax on cigarettes in §44-20-12 and shall otherwise be
4 imposed in accordance with the provisions of §§ 44-20-2 -- 44-20-55.

5 (b) All little cigars shall be sold in packs of twenty (20) or more.

6 (c) Twenty-five percent (25%) of the tax revenue generated from the tax imposed on little
7 cigars shall be applied towards smoking cessation programs and services administered by the
8 tobacco control program at the department of health.

9 SECTION 4. This act shall take effect upon passage.

=====
LC004223
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION -- LITTLE CIGAR TAX

1 This act would require that the tax imposed on little cigars be imposed in the same
2 manner as the tax imposed on cigarettes, that 25% of such revenue, would be applied to smoking
3 cessation programs, and would provide that little cigars be sold in packs of twenty (20) or more.

4 This act would take effect upon passage.

=====
LC004223
=====