

RÉSUMÉ DIGEST**ACT 640 (HB 710)****2016 Regular Session****Hollis**

Prior law required the stamping of cigarettes with tobacco tax stamps immediately upon receipt of the cigarettes by a tobacco dealer.

New law requires that tobacco dealers stamp cigarettes prior to selling, offering for sale, removing, or otherwise distributing the cigarettes.

Existing law provides a prima facie presumption that cigarettes found in the place of business of any tobacco dealer or other person without the stamps affixed are in violation of existing law.

New law retains existing law except that it removes the prior law exception for bonded interstate tobacco dealers and provides an exception for a dealer holding a valid stamping agent designation.

Existing law prohibits a dealer from purchasing or possessing unstamped cigarettes in this state for sale into another state where the manufacturer and brand family of the cigarettes are not listed on the state's directory unless the dealer holds an exporter license.

New law retains existing law and further requires the dealer holding the exporter license to affix the stamp required by the other state to the package within 72 hours after receipt unless the other state does not require the stamp, then the dealer may sell cigarettes into the other state if the excise, use, or similar tax is paid. New law further requires the dealer to ensure that any cigarettes and roll-your-own tobacco in its stock that are not listed on the attorney general's state directory are kept separate and apart from the approved stock.

Prior law required purchases of cigar, cigarettes, and smoking tobacco for distribution in Louisiana by nonresident tobacco dealers to be evidenced by a separate invoice from the seller showing the date of purchase and quantity. Further required the stock to be kept in an entirely separate part of the building separate and apart from stock purchased for sale or distribution or both in another state.

New law changes prior law to require nonresident tobacco dealers to maintain invoices correctly showing the date, quantity, recipient, manufacturer, and brand of cigars, cigarettes, and smoking tobaccos sold by the dealer for distribution in or into Louisiana and keep stock affixed with a Louisiana tax stamp separate and apart from the remainder of the dealer's stock.

Effective August 1, 2016.

(Amends R.S. 47:843(D)(1), 847(A) and (D)(1), 849(B) and (C) and 851(D))