

ACT No. 5

2016 First Extraordinary Session

HOUSE BILL NO. 18

BY REPRESENTATIVE MONTOUCET

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AN ACT

To amend and reenact R.S. 47:843(B) and (C)(3) and 851(B)(4)(b), relative to state excise taxes; to provide relative to the discounts for the reporting and remitting of excise taxes on certain tobacco products; to provide relative to the discount for stamping cigarettes; to reduce the amount of the discounts for the reporting and remitting of excise taxes and the stamping of cigarettes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:843(B) and (C)(3) and 851(B)(4)(b) are hereby amended and reenacted to read as follows:

§843. Use of stamps or meter impression required; limitations

* * *

B. Discounts. The secretary of the Department of Revenue shall allow wholesale tobacco dealers of other states who have a direct purchasing contract with a manufacturer and serving a trade area of retail dealers in this state to purchase Louisiana stamps with benefit of a five percent discount; ~~provided however, in no instance shall the discount be greater than that which is received by such wholesale tobacco dealers in their state of domicile and further provided that regardless of the discount extended by other states, the discount shall not exceed six percent.~~

C. Purchase of stamps.

* * *

1 (3) Cigarette tax stamps shall be sold by the secretary of the Department of
 2 Revenue to bonded registered Louisiana tobacco dealers in the state of Louisiana
 3 who hold a valid stamping agent designation in accordance with R.S. 26:902(2)(a)
 4 and who have a direct purchasing contract with a manufacturer at a discount of ~~six~~
 5 five percent from the face value, when purchased in quantities of not less than one
 6 hundred dollars face value, and the same provisions and discount shall apply where
 7 the metered stamping machine or device is used.

8 * * *

9 §851. Dealers receiving unstamped and/or nontax paid cigarettes, cigars, and
 10 smoking tobaccos required to file monthly reports and maintain records;
 11 vending machine restrictions

12 * * *

13 B. Registered tobacco dealers and stamping agents.

14 * * *

15 (4)

16 * * *

17 (b) A ~~six~~ five percent discount is allowable for timely and accurately filing
 18 ~~such~~ the report only on those purchases made by registered tobacco dealers in
 19 Louisiana who have a direct purchasing contract with a manufacturer. The secretary
 20 shall allow wholesale tobacco dealers of other states serving a trade area of retail
 21 dealers in this state who have a direct purchasing contract with a manufacturer to sell
 22 in this state with the benefit of the discount provided in this Section, ~~however, in no~~
 23 ~~instance shall the discount be greater than that which is received by such wholesale~~
 24 ~~tobacco dealers in their state of domicile and further provided that regardless of the~~
 25 ~~discount extended by other states, such discount shall not exceed six percent,~~
 26 provided ~~said~~ the dealers meet the requirements of a wholesale dealer as set forth in
 27 R.S. 47:842(5). The transfer or disposal by a qualified dealer of any benefit herein
 28 conferred is prohibited except in the case of the original recipient.

29 * * *

1 Section 2. The provisions of this Act shall become effective on April 1, 2016.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____