

## HOUSE BILL NO. HB0218

Tobacco tax.

Sponsored by: Representative(s) Zwonitzer and Nicholas and  
Senator(s) Pappas and Scott

A BILL

for

1 AN ACT relating to taxation and revenue; increasing the tax  
2 on cigarettes, moist snuff and other tobacco products;  
3 amending distribution of the cigarette tax; clarifying  
4 distribution of license fees; repealing related provisions;  
5 and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9       **Section 1.** W.S. 39-18-104(a)(i), (ii), (b)(i), (ii) and  
10 (c) through (f), 39-18-106(a) and 39-18-111(a)(intro) are  
11 amended to read:

12

13       **39-18-104. Taxation rate.**

14

1           (a) There is levied and shall be collected and paid to  
2 the department an excise tax upon the sale of each cigarette  
3 sold by wholesalers as follows:

4

5           (i) ~~Six-tenths of a cent (\$.006)~~ One and  
6 six-tenths cents (\$.016); and

7

8           (ii) ~~Two and four tenths cents (\$.024)~~ Six and  
9 four-tenths cents (\$.064).

10

11           (b) There is levied and shall be paid to the department  
12 an excise tax upon the use or storage by consumers of  
13 cigarettes in Wyoming but only if the tax imposed by  
14 subsection (a) of this section has not been paid as follows:

15

16           (i) ~~Six-tenths of a cent (\$.006)~~ One and  
17 six-tenths cents (\$.016); and

18

19           (ii) ~~Two and four tenths cents (\$.024)~~ Six and  
20 four-tenths cents (\$.064).

21

22           (c) In addition to the other taxes imposed by this  
23 section, there is levied and assessed upon cigars, snuff and

1 other tobacco products purchased or imported into this state  
2 by wholesalers for resale, except cigarettes and moist snuff  
3 taxed under this section, an excise tax at the rate of ~~twenty~~  
4 ~~percent (20%)~~ fifty-three and one-third percent (53 1/3%) of  
5 the wholesale purchase price at which the tobacco products  
6 are purchased by wholesalers from manufacturers.

7  
8 (d) The tax imposed by subsection (c) of this section  
9 shall also be imposed upon the use or storage by consumers of  
10 cigars, snuff and other tobacco products other than  
11 cigarettes and moist snuff in this state, and upon those  
12 consumers, at the rate of ~~ten percent (10%)~~ twenty-six and  
13 two-thirds percent (26 2/3%) of the retail price of the cigar,  
14 snuff or other tobacco product other than cigarettes and moist  
15 snuff. This tax shall not apply if the tax imposed by  
16 subsection (c) of this section has been paid.

17  
18 (e) In addition to the other taxes imposed by this  
19 section, there is levied and assessed upon moist snuff  
20 purchased or imported into this state by wholesalers for  
21 resale, an excise tax at the rate of ~~sixty cents (\$0.60)~~ one  
22 dollar and sixty cents (\$1.60) for any amount of moist snuff  
23 up to one (1) ounce plus a proportionate tax at the like rate

1 on any fractional parts of more than one (1) ounce. The tax  
2 on moist snuff shall be imposed based on the net weight as  
3 listed by the manufacturer.

4

5 (f) The tax imposed by subsection (e) of this section  
6 shall also be imposed upon the use or storage by consumers of  
7 moist snuff in this state, and upon those consumers, at the  
8 rate of ~~sixty cents (\$0.60)~~ one dollar and sixty cents (\$1.60)  
9 for any amount of moist snuff up to one (1) ounce plus a  
10 proportionate tax at the like rate on any fractional parts of  
11 more than one (1) ounce. This tax shall not apply if the tax  
12 imposed by subsection (e) of this section has been paid. The  
13 tax on moist snuff shall be imposed based on the net weight  
14 as listed by the manufacturer.

15

16 **39-18-106. Licensing; permits.**

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18 (a) Every wholesaler, cigarette importer and cigarette  
19 manufacturer who sells or offers to sell cigarettes, cigars,  
20 snuff or other tobacco products in this state must have a  
21 license to do so issued by the department. No license or  
22 renewal of a license shall be granted under this section  
23 unless the wholesaler states in writing, under penalty for

1 false swearing, that he shall comply fully with W.S. 9-4-1201  
2 through 9-4-1209. The license fee is ten dollars (\$10.00)  
3 per year or fraction thereof and is valid through June 30 in  
4 each year. The license will be granted only to wholesalers  
5 who own or operate the place from which sales are made and  
6 additional licenses must be obtained for each separate  
7 location. The licenses are transferable pursuant to rules and  
8 regulations promulgated by the department. License fees  
9 collected under this subsection shall be deposited in the  
10 general fund.

11

12 **39-18-111. Distribution.**

13

14 (a) ~~Thirty three and one third percent (33 1/3%)~~  
15 Seventy-four and one-half percent (74.5%) of the taxes  
16 collected pursuant to W.S. 39-18-104(a)(i) and (b)(i) shall  
17 be distributed to incorporated cities and towns and to boards  
18 of county commissioners in the proportion the cigarette taxes  
19 derived from sales within each incorporated city or town or  
20 county bears to total cigarette taxes collected. The  
21 computation for the distribution shall be made by the  
22 department according to the monthly returns filed by the

1 wholesalers. The remainder shall be distributed by the  
2 department, ~~as follows:~~ to the general fund.

3

4 **Section 2.** W.S. 39-18-111(a)(i) through (iii) is  
5 repealed.

6

7 **Section 3.** This act is effective July 1, 2019.

8

9

(END)