

No. 2015-95

AN ACT

HB 1735

Amending the act of December 30, 2003 (P.L.441, No.64), entitled "An act requiring certifications by tobacco product manufacturers; providing for a directory of cigarettes approved for stamping and sale; conferring powers and imposing duties on the Attorney General and the Department of Revenue; and imposing penalties," in preliminary provisions, further providing for definitions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "units sold" in section 102 of the act of December 30, 2003 (P.L.441, No.64), known as the Tobacco Product Manufacturer Directory Act, is amended to read:

Section 102. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Units sold." The number of individual cigarettes sold in this Commonwealth by the applicable tobacco product manufacturer during the year in question, as measured by taxes collected by the Commonwealth on packs[, or **"roll-your-own" tobacco containers,**] bearing the tax stamp of the Commonwealth required under section 1215 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971[.]; *by taxes collected by the Commonwealth on "roll-your-own" tobacco containers which are not required to have a tax stamp under section 1215 of the Tax Reform Code of 1971; and by taxes collected by the Commonwealth on cigarettes sold without a tax stamp, when authorized by the Department of Revenue, under' section 1215(h) of the Tax Reform Code of 1971.*

Section 2. The following shall apply:

(1) The Office of Attorney General shall attempt to obtain the consent of the participating manufacturers under the master settlement agreement to the amendment of section 102 of the act.

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

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

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

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

Section 3. This act shall take effect as follows:

¹"the Department of Revenue under" in enrolled bill.

(1) The amendment of section 102 of the act shall take effect 60 days after the Office of Attorney General publishes notice of consent under section 2(2)(ii) of this act.

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

APPROVED—The 28th day of December, A.D. 2015

TOM WOLF