

SENATE BILL No. 463

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-3.

Synopsis: Cigarettes and tobacco sales. Exempts cigarettes sold on federal military installations and other state excise tax exempt cigarette sales from the definition of "units sold" for purposes of the qualified escrow fund. Allows the department of state revenue, the alcohol and tobacco commission, and the attorney general to provide certain information to courts, arbitrators, and data clearinghouses for the purpose of making calculations under the tobacco master settlement agreement if a protective order is executed. Makes specified tobacco sales data that is provided by an outside party confidential.

Effective: July 1, 2015.

Miller Patricia

January 14, 2015, read first time and referred to Committee on Commerce & Technology.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 463



A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-3-3-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this
3 chapter, "units sold" means the number of individual cigarettes sold in
4 Indiana by the applicable tobacco product manufacturer (whether
5 directly or through a distributor, retailer, or similar intermediary or
6 intermediaries) during the year in question, as measured by excise
7 taxes collected by the state on packs (or "roll-your-own" tobacco
8 containers) bearing the excise tax stamp of the state. The department
9 of state revenue shall, in the manner provided by IC 4-22-2, adopt rules
10 that are necessary to ascertain the amount of state excise tax paid on
11 the cigarettes of such tobacco product manufacturer for each year.
12 **regardless of whether the state excise tax was due or collected.**
13 (b) **The term does not include cigarettes sold on federal military**
14 **installations or that are otherwise exempt from state excise tax**
15 **under federal law.**
16 (c) **For purposes of this section, concerning cigarettes for which**



1 the state cigarette or other tobacco product tax is paid, the
 2 cigarettes shall be deemed as being sold in Indiana:

- 3 (1) upon the affixing of the state cigarette tax stamp; or
 4 (2) for "roll your own" tobacco, when the state tax on other
 5 tobacco products is paid.

6 SECTION 2. IC 24-3-5.4-18 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) The department
 8 and the commission shall disclose to the attorney general any
 9 information received under this chapter and requested by the attorney
 10 general for purposes of determining compliance with and enforcing this
 11 chapter. The department, the commission, and the attorney general:

- 12 (1) shall share with each other the information received under this
 13 chapter; and
 14 (2) may share the information received under this chapter with
 15 other federal, state, or local agencies only for purposes of
 16 enforcing this chapter or a corresponding law in another state.

17 (b) Notwithstanding any other law:

18 (1) the department, the commission, or the attorney general
 19 may provide information received under IC 24-3-5.4-17 to a
 20 court, an arbitrator, or a data clearinghouse or similar entity:

21 (A) for the purposes of making calculations required by the
 22 master settlement agreement; and

23 (B) with counsel for the parties;

24 upon the execution of a protective order approved by the
 25 attorney general; and

26 (2) any tobacco sales data provided from an outside party and
 27 received under the master settlement agreement must be
 28 treated as confidential under IC 5-14-3-4(a)(4) and
 29 IC 5-14-3-4(a)(5).

