

SSB 5814 - S AMD 454

By Senator Braun

1 On page 22, beginning on line 39, after "tobacco" strike all
2 material through "nicotine," on line 40

3 On page 23, line 3, after "(14)" insert "(a) "Nicotine analogue"
4 means a substance:

5 (i) The chemical structure of which is substantially similar to
6 the chemical structure of nicotine; or

7 (ii) Which has, purports to have, or is represented to have, an
8 effect on the central nervous system that is similar to or greater
9 than the effect of nicotine on the central nervous system.

10 (b) Factors relevant to determining whether a substance is a
11 nicotine analogue include, but are not limited to, the marketing,
12 advertising, and labeling of the substance, and whether the substance
13 has been manufactured, formulated, sold, distributed, or marketed
14 with the intent to avoid the provisions of this subsection (14) and
15 other applicable provisions of law.

16 (15) "Oral nicotine product" means any noncombustible product
17 containing nicotine, whether derived from tobacco or created
18 synthetically, or a nicotine analogue, that is in the form of a
19 solid, gel, gum, or paste that is intended for human consumption or
20 placement in the oral cavity for absorption into the human body by
21 any means other than inhalation. "Oral nicotine products" are not
22 moist snuff products nor is any oral nicotine product included in the
23 definition of any smokeless tobacco product, vapor product,
24 cigarette, or any product regulated as a drug or device by the United
25 States food and drug administration under chapter V of the food,
26 drug, and cosmetic act.

27 (16)"

28 Renumber the remaining subsections consecutively and correct any
29 internal references accordingly.

30 On page 25, line 1, after "smoking," insert "oral nicotine
31 products, nicotine analogues,"

1 On page 25, beginning on line 2, after "tobacco" strike all
2 material through "synthetically" on line 3

3 On page 25, line 6, after "82.24.010" insert "or vapor products
4 as defined in RCW 82.25.005"

5 On page 25, after line 12, insert the following:

6 **"Sec. 302.** RCW 82.26.020 and 2019 c 445 s 404 are each amended
7 to read as follows:

8 (1) There is levied and collected a tax upon the sale, handling,
9 or distribution of all tobacco products in this state at the
10 following rate:

11 (a) For cigars except little cigars, (~~((ninety-five))~~) 95 percent
12 of the taxable sales price of cigars, not to exceed (~~((sixty-five~~
13 ~~cents))~~) \$0.65 per cigar;

14 (b) For all tobacco products except those covered under separate
15 provisions of this subsection, (~~((ninety-five))~~) 95 percent of the
16 taxable sales price. The tax imposed on a product under this
17 subsection must be reduced by (~~((fifty))~~) 50 percent if that same
18 product is issued a modified risk tobacco product order by the
19 secretary of the United States department of health and human
20 services pursuant to Title 21 U.S.C. Sec. 387k(g)(1), or by (~~((twenty-~~
21 ~~five))~~) 25 percent if that same product is issued a modified risk
22 tobacco product order by the secretary of the United States
23 department of health and human services pursuant to Title 21 U.S.C.
24 Sec. 387k(g)(2). The tax reduction applies during the period the
25 modified risk tobacco product order is in effect;

26 (c) For moist snuff, as established in this subsection (1)(c) and
27 computed on the net weight listed by the manufacturer:

28 (i) On each single unit consumer-sized can or package whose net
29 weight is (~~((one-and-two-tenths))~~) 1.2 ounces or less, a rate per
30 single unit that is equal to the greater of \$2.526 (~~((dollars))~~) or
31 (~~((eighty-three-and-one-half))~~) 83.5 percent of the cigarette tax under
32 chapter 82.24 RCW multiplied by (~~((twenty))~~) 20; or

33 (ii) On each single unit consumer-sized can or package whose net
34 weight is more than (~~((one-and-two-tenths))~~) 1.2 ounces, a
35 proportionate tax at the rate established in (c)(i) of this
36 subsection (1) on each ounce or fractional part of an ounce; (~~and~~))

1 (d) For little cigars, an amount per cigar equal to the cigarette
2 tax under chapter 82.24 RCW; and

3 (e) For oral nicotine products, \$0.0225 per discrete consumable
4 unit. The tax imposed on a package that contains less than 20
5 discrete consumable units is equal to the tax imposed on a package of
6 20 discrete consumable units.

7 (2) Taxes under this section must be imposed at the time the
8 distributor (a) brings, or causes to be brought, into this state from
9 without the state tobacco products for sale, (b) makes, manufactures,
10 fabricates, or stores tobacco products in this state for sale in this
11 state, (c) ships or transports tobacco products to retailers in this
12 state, to be sold by those retailers, or (d) handles for sale any
13 tobacco products that are within this state but upon which tax has
14 not been imposed.

15 (3) The moneys collected under this section must be deposited
16 into the state general fund."

17 On page 29, line 23, after "504." strike "Section 301 of this act
18 takes" and insert "Sections 301 and 302 of this act take"

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19 On page 1, line 4 of the title, after "82.26.010," insert
20 "82.26.020,"

EFFECT: Removes amended language from the definition of "moist
snuff"; adds definitions for "nicotine analogue" and "oral nicotine
product"; and imposes a new tax on oral nicotine products at a rate
of \$0.0225 per discrete consumable unit.

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