

HOUSE No. 4899

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 30, 2008.

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2685) of the House Bill improving tax fairness and business competitiveness (House, No. 4672) reports, in part, the accompanying bill (House, No. 4899).

For the committee,

On the part of the House,
JOHN J. BINIENDA
ANGELO M. SCACCIA

On the part of the Senate,
CYNTHIA STONE CREEM
HARRIETTE L. CHANDLER

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT RELATIVE TO THE CIGARETTE EXCISE AND HEALTH CARE FUNDING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the increase of the excise to be paid on cigarettes and the funding of the Commonwealth Care Trust Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 6 of chapter 64C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:— Every licensee who is required to file a return under section 16 of chapter 62C shall, at the time of filing such return, pay to the commissioner an excise equal to 100½ mills plus any amount by which the federal excise tax on cigarettes is less than 8 mills for each cigarette so sold during the calendar month covered by the return; provided, however, that cigarettes with respect to which the excise under this section has once been imposed and has not been refunded, if paid, shall not be subject upon a subsequent sale to the excise imposed by this section. Each unclassified acquirer shall, at the time of filing a return required by section 16 of chapter 62C, pay to the commissioner an excise equal to 100½ mills plus any amount by which the federal excise tax on cigarettes is less than 8 mills for each cigarette so imported or acquired and held for sale or consumption, and cigarettes, with respect to which such excise has been imposed and has not been refunded, if paid, shall not be subject, when subsequently sold, to any further excise under this section.

SECTION 2. Said section 6 of said chapter 64C, as so appearing, is hereby further amended by adding the following paragraph:—

Notwithstanding the provisions of section 28, an amount equal to 50 mills for each cigarette so sold during the calendar month covered by the return filed under section 16 of chapter 62C shall be credited to the

Commonwealth Care Trust Fund, established pursuant to section 2000 of chapter 29.

SECTION 3. Section 28 of said chapter 64C, as so appearing, is hereby amended by striking out, in line 1, the words “section seven” and inserting in place thereof the following words:- sections 6 and 7A.

SECTION 4. Every manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer, as defined in section 1 of chapter 64C of the General Laws, and every stamper appointed by the commissioner of revenue pursuant to section 30 of said chapter 64C, who, as the commencement of business on July 1, 2008, has on hand any cigarettes for sale or any unused adhesive or meter stamps, shall make and file with the commissioner within 20 days a return, subscribed and sworn to under the penalties of perjury, showing a complete inventory of such cigarettes and stamps and shall, at the time he is required to file such return, pay an additional excise of 50 mills per cigarette on all cigarettes and all unused adhesive and meter stamps upon which an excise of only 75½ mills has previously been paid. All provisions of chapters 62C and 64C of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall apply to the excise imposed by this section.

SECTION 5. This act shall take effect as of July 1, 2008.