

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-0870.01 Ed DeCecco x4216

SENATE BILL 17-139

SENATE SPONSORSHIP

Hill and Williams A.,

HOUSE SPONSORSHIP

Pabon,

Senate Committees  
Finance

House Committees  
Finance

A BILL FOR AN ACT

101 CONCERNING THE EXTENSION OF THE CREDIT FOR TOBACCO PRODUCTS  
102 THAT A DISTRIBUTOR SHIPS OR TRANSPORTS TO AN  
103 OUT-OF-STATE CONSUMER.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Currently and until September 1, 2018, a distributor can claim a credit for taxes paid on tobacco products that are shipped or transported by the distributor to a consumer outside of the state. The bill makes the credit permanent.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
April 3, 2017

SENATE  
3rd Reading Unamended  
February 28, 2017

SENATE  
2nd Reading Unamended  
February 27, 2017

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Legislative declaration.** The general assembly  
3 hereby finds and declares that the purpose for extending the expiring  
4 credit in this act is to retain the businesses that have expanded or opened  
5 as a result of the "Cigar On-line Sales Equalization Act", enacted in 2015.

6           **SECTION 2.** In Colorado Revised Statutes, 39-28.5-107, **amend**  
7 (1) as follows:

8           **39-28.5-107. When credit may be obtained for tax paid.**

9 (1) Where tobacco products, upon which the tax imposed by this ~~article~~  
10 ARTICLE 28.5 has been reported and paid, are shipped or transported by  
11 the distributor to retailers without the state to be sold by those retailers,  
12 are shipped or transported by the distributor to a consumer without the  
13 state on or after September 1, 2015, ~~but prior to September 1, 2018~~  
14 ~~SEPTEMBER 1, 2021~~, or are returned to the manufacturer by the distributor  
15 or destroyed by the distributor, credit of such tax may be made to the  
16 distributor in accordance with regulations prescribed by the department.

17           **SECTION 3. Act subject to petition - effective date.** This act  
18 takes effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August  
20 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within such period, then the act, item, section, or part will not take effect  
24 unless approved by the people at the general election to be held in  
25 November 2018 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.