

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

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

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.

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~~, or are
14 returned to the manufacturer by the distributor or destroyed by the
15 distributor, credit of such tax may be made to the distributor in
16 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.