

CHAPTER 304

TAXATION

HOUSE BILL 13-1144

BY REPRESENTATIVE(S) Kagan, Court, Duran, Fields, Hullinghorst, Levy, Fischer, Ginal, Hamner, McLachlan, Melton, Mitsch Bush, Rosenthal, Ryden, Schafer, Young, Ferrandino, Labuda;
also SENATOR(S) Steadman, Aguilar, Guzman, Heath, Hodge, Hudak, Kerr, Todd, Ulibarri, Morse.

AN ACT**CONCERNING THE ELIMINATION OF THE STATE SALES AND USE TAX EXEMPTION FOR CIGARETTES.**

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

SECTION 1. In Colorado Revised Statutes, 39-26-706, **amend** (1) as follows:

39-26-706. Miscellaneous sales and use tax exemptions - internet access - refractory materials - precious metal bullion and coins. (1) (a) ~~All sales of cigarettes shall be exempt from taxation under the provisions of part 1 of this article; except that any sales of cigarettes after June 30, 2009, and before July 1, 2013, shall not be exempt from such taxation.~~

(b) ~~The storage, use, or consumption of cigarettes shall be exempt from taxation under the provisions of part 2 of this article; except that the storage, use, or consumption of cigarettes after June 30, 2009, and before July 1, 2013, shall not be exempt from such taxation.~~

(c) Notwithstanding any provision of law to the contrary, for any local government or political subdivision of the state that levies a sales or use tax based on the sales or use tax levied by the state pursuant to this article, the sale or storage, use, or consumption of cigarettes ~~after June 30, 2009, and before July 1, 2013, shall be~~ is exempt from the sales or use tax of such local government or political subdivision.

SECTION 2. In Colorado Revised Statutes, **repeal** 39-28-113 as follows:

39-28-113. Provisions not applicable. ~~The provisions of section 39-26-706 (1) (a), relating to exemption from the "Emergency Retail Sales Tax Act of 1935", and~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~section 39-26-706 (1) (b), relating to exemption from the use tax, shall not apply to or render inoperative the provisions of this article.~~

SECTION 3. Effective date. This act takes effect July 1, 2013.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 2013