

IN THE SENATE

SENATE BILL NO. 1108

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO TOBACCO PRODUCTS TAXES; AMENDING SECTION 63-2552, IDAHO CODE,  
3 TO REVISE PROVISIONS REGARDING THE TOBACCO PRODUCTS TAX, TO REMOVE OB-  
4 SOLETE LANGUAGE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
5 63-2552A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TOBACCO PROD-  
6 UCTS ADDITIONAL TAX, TO REMOVE OBSOLETE LANGUAGE, AND TO MAKE A TECHNI-  
7 CAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
8 DATE.

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 63-2552, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 63-2552. TAX IMPOSED -- RATE. ~~(1) From and after July 1, 1972, there~~  
13 There is levied and there shall be collected a tax upon the sale, use, con-  
14 sumption, handling, or distribution of all tobacco products in this state at  
15 the rate of thirty-five ~~per cent~~ percent (35%) of the wholesale sales price  
16 of such tobacco products; provided, however, that the combined tax on a cigar  
17 imposed by this section and section 63-2552A, Idaho Code, shall not exceed  
18 fifty cents (\$0.50) per cigar. Such tax shall be imposed at the time the dis-  
19 tributor:

20 ~~(a) brings~~ (1) Brings, or causes to be brought, into this state from  
21 without the state tobacco products for sale;i

22 ~~(b) makes~~ (2) Makes, manufactures, or fabricates tobacco products in  
23 this state for sale in this state;i or

24 ~~(c) ships~~ (3) Ships or transports tobacco products to retailers in this  
25 state, to be sold by those retailers.

26 ~~(2) A floor stocks tax is hereby imposed upon every distributor of to-~~  
27 ~~bacco products at the rate of thirty-five per cent (35%) of the wholesale~~  
28 ~~sales price of each tobacco product in his possession or under his control on~~  
29 ~~July 1, 1972.~~

30 ~~Each distributor, within twenty (20) days after July 1, 1972, shall file~~  
31 ~~a report with the commission, in such form as the commission may prescribe,~~  
32 ~~showing the tobacco products on hand on July 1, 1972, and the amount of tax~~  
33 ~~due thereon.~~

34 ~~The tax imposed by this subdivision shall be due and payable within~~  
35 ~~twenty (20) days after July 1, 1972, and thereafter shall bear interest at~~  
36 ~~the rate of one per cent (1%) per month.~~

37 SECTION 2. That Section 63-2552A, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 63-2552A. ADDITIONAL TAX IMPOSED -- RATE. (1) In addition to the tax  
40 imposed in section 63-2552, Idaho Code, ~~from and after July 1, 1994,~~ there

1 is levied and there shall be collected an additional tax upon the sale, use,  
2 consumption, handling, or distribution of all tobacco products in this state  
3 at the rate of five percent (5%) of the wholesale sales price of such to-  
4 bacco products; provided, however, that the combined tax on a cigar imposed  
5 by this section and section 63-2552, Idaho Code, shall not exceed fifty cents  
6 (\$0.50) per cigar. Such tax shall be imposed at the time the distributor:

7 (a) Brings, or causes to be brought, into this state from without the  
8 state tobacco products for sale;

9 (b) Makes, manufactures, or fabricates tobacco products in this state  
10 for sale in this state; or

11 (c) Ships or transports tobacco products to retailers in this state to  
12 be sold by those retailers.

13 ~~(2) Each distributor, within twenty (20) days after July 1, 1994, shall~~  
14 ~~file a report with the commission, in such form as the commission may pre-~~  
15 ~~scribe, showing the tobacco products on hand on July 1, 1994, and the amount~~  
16 ~~of tax due thereon. The tax imposed in this subsection shall be due and~~  
17 ~~payable within twenty (20) days after July 1, 1994, and thereafter shall bear~~  
18 ~~interest at the rate of one percent (1%) per month.~~

19 ~~(3)~~ (2) Fifty percent (50%) of the tax collected pursuant to this sec-  
20 tion shall be subject to appropriation to the public school income fund  
21 to be utilized to develop and implement school safety improvements and to  
22 facilitate and provide substance abuse prevention programs in the public  
23 school system and the Idaho bureau of educational services for the deaf and  
24 the blind, less two hundred thousand dollars (\$200,000) that shall be remit-  
25 ted annually to the Idaho state police to increase toxicology lab capacity  
26 in the bureau of forensic services for drug testing of juveniles, and less  
27 eighty thousand dollars (\$80,000) that shall be remitted to the commission  
28 on Hispanic affairs to be used for substance abuse prevention efforts in col-  
29 laboration with the state department of education. Fifty percent (50%) of  
30 the tax collected pursuant to this section shall be subject to appropriation  
31 to the department of juvenile corrections for distribution quarterly to the  
32 counties to be utilized for county juvenile probation services, based ~~upon~~  
33 on the percentage the population of the county bears to the population of  
34 the state as a whole. The moneys remitted to the Idaho state police shall  
35 be reviewed annually and any money in excess to the operations needs of the  
36 laboratory for juvenile drug testing will be deposited in the public school  
37 income fund for substance abuse prevention programs in the public school  
38 system. The laboratory may utilize this increased toxicology capacity for  
39 adult drug testing to the extent that timely testing for juveniles is not  
40 adversely impacted.

41 SECTION 3. An emergency existing therefor, which emergency is hereby  
42 declared to exist, this act shall be in full force and effect on and after  
43 July 1, 2023.