

HOUSE BILL 147

Q7

(PRE-FILED)

4r0991
CF SB 72

By: **Delegate Hartman**

Requested: October 17, 2023

Introduced and read first time: January 10, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2024

CHAPTER _____

1 AN ACT concerning

2 **Tobacco Tax Stamp Refunds – Loss Due to Theft**

3 FOR the purpose of authorizing a ~~taxpayer~~ claimant who buys tobacco tax stamps to receive
4 a refund for tobacco tax stamps affixed to stolen property; requiring the ~~taxpayer~~
5 claimant to provide the Comptroller with certain documentation when making a
6 claim for a refund; providing for a certain fine for making a false claim; and generally
7 relating to refunds for tobacco tax stamps.

8 BY repealing and reenacting, with amendments,
9 Article – Tax – General
10 Section 13–901(h)
11 Annotated Code of Maryland
12 (2022 Replacement Volume and 2023 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Tax – General**

16 13–901.

17 (h) **(1)** A claim for refund of tobacco tax may be filed by a claimant who buys
18 tobacco tax stamps that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 [(1)] (I) are affixed erroneously to anything other than a package of
2 cigarettes;

3 [(2)] (II) are affixed to a package of unsalable cigarettes;

4 [(3)] (III) are canceled by the Comptroller;

5 [(4)] (IV) if the claim is \$250 or more, are lost or destroyed in the State due
6 to fire, flood, or other disaster, vandalism, or malicious mischief[, except loss due to theft];
7 [or]

8 [(5)] (V) mutilated or damaged, whether or not affixed to a package of
9 cigarettes; OR

10 (VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ARE
11 LOST DUE TO THEFT.

12 (2) (I) A ~~TAXPAYER~~ CLAIMANT MAY RECEIVE A REFUND FOR
13 TOBACCO TAX STAMPS LOST DUE TO THEFT BY PROVIDING TO THE COMPTROLLER:

14 1. A COPY OF THE POLICE REPORT WITH A DETAILED
15 INVENTORY OF THE STOLEN PROPERTY, INCLUDING WHEN THE PROPERTY WAS
16 ORDERED, LOADED ONTO THE TRUCK, AND STAMPED; AND

17 2. A NOTARIZED AFFIDAVIT SIGNED BY THE ~~TAXPAYER~~
18 CLAIMANT UNDER PENALTY OF PERJURY ATTESTING TO THE TRUTH OF THE
19 INFORMATION PROVIDED IN THE CLAIM FOR A REFUND.

20 (II) IF THE STOLEN PROPERTY IS RECOVERED, THE ~~TAXPAYER~~
21 CLAIMANT SHALL NOTIFY THE COMPTROLLER AND RETURN ANY REFUND RECEIVED
22 UNDER THIS PARAGRAPH.

23 (III) IN ADDITION TO OTHER PENALTIES AUTHORIZED BY LAW, A
24 ~~TAXPAYER~~ CLAIMANT IS SUBJECT TO A FINE OF DOUBLE THE AMOUNT OF ANY TAX
25 REFUND RECEIVED UNDER THIS PARAGRAPH FOR MAKING A FALSE CLAIM.

26 (IV) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY
27 OUT THIS PARAGRAPH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
29 1, 2024.