

SENATE BILL 1504

By Burchett

AN ACT to amend Tennessee Code Annotated, Section 67-4-2604, relative to submission of tobacco settlement fund information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-2604, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Not later than fifteen (15) calendar days after the end of each calendar month, each licensed agent shall submit such information as the commissioner requires to facilitate compliance with this part, including, but not limited to, a list by brand family of the total number of cigarettes, or, in the case of roll your own, the equivalent stick count, for which the licensed agent affixed stamps during the previous calendar month or otherwise paid the tax due for such cigarettes. Such report shall further include all cigarettes received and sold during the prior month, even if cigarettes were previously stamped by another licensed agent. The licensed agent shall maintain, and make available to the commissioner, all invoices and documentation of sales of all cigarettes and any other information relied upon in reporting to the commissioner for a period of seven (7) years.

SECTION 2. Tennessee Code Annotated, Section 67-4-2604, is further amended by adding the following new subsections thereto:

(f) The commissioner may, in addition to any other provision of law, impose and collect a monetary penalty not to exceed one hundred dollars (\$100) per day for the failure of a distributor or wholesaler to timely or accurately comply with this section. Any monetary penalty collected pursuant to this section shall be deposited in the general

fund. The submission in a report of a false statement under this chapter by a licensed agent is an offense punishable as a Class E felony.

(g) The commissioner may, in accordance with the procedure set forth in § 67-4-1016, and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, suspend or revoke the license of an agent for knowingly filing false licensed distributor reports.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.