

H.B. 279

COUNTERFEIT TOBACCO PRODUCTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

FEBRUARY 25, 2004 9:16 AM

Representative **Eric K. Hutchings** proposes the following amendments:

1. *Page 2, Lines 50 through 52:*

50 (4) ~~[["Indian country" is as defined in 18 U.S.C. Sec. 1151.]]~~
51 ~~[[(5)]]~~ "Indian tribal entity" means a federally recognized Indian tribe, tribal entity, or any
52 other person doing business as a distributor or retailer of cigarettes on ~~[[Indian country]]~~ tribal lands
located in

2. *Page 2, Line 54:*

54 ~~[[(6)]]~~ (5) "Manufacturer" means any person who manufactures, fabricates, assembles,

3. *Page 2, Line 56:*

56 ~~[[(7)]]~~ (6) "Retailer" means any person who sells or distributes cigarettes or intends to sell or

4. *Page 2, Line 58:*

58 ~~[[(8)]]~~ (7) "Stamp" or "stamps" means the indicia required to be placed on a cigarette package

5. *Page 3, Lines 63 through 64:*

63 ~~[(2)]~~ ~~[[(9)]]~~ (8) "Tobacco products" means all products made of, or containing tobacco, except
64 cigarettes. =
(9) "Tribal lands" means land held by the United States in trust for a federally recognized Indian
tribe.

6. *Page 7, Line 201:*

201 that are purchased or received on the ~~[[tribe's Indian country]]~~ tribal lands are not subject to the tax
imposed

7. *Page 7, Lines 205 through 207:*

205 (2) (a) (i) The tax applicable to cigarettes sold to or received by nontribal members on
206 ~~[[Indian]]~~ tribal lands is equal to the state tax imposed by Section 59-14-204, minus any tribal tax

207 actually paid. =

(ii) For purposes of this section, nontribal members includes any person who is not a member of the Indian tribe that is selling the cigarettes.

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