

B-Engrossed
Senate Joint Resolution 4

Ordered by the Senate June 12
Including Senate Amendments dated June 6 and June 12

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Bill Bradbury)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Proposes amendment to Oregon Constitution to impose additional taxes on tobacco products. **Allows Legislative Assembly to exempt certain tobacco products from taxes.** Dedicates revenues from taxes imposed to providing health care to children, low-income adults and other medically underserved Oregonians and to tobacco use prevention and education.

Refers proposed amendment to people for their approval or rejection at special election to be held on date specified in chapter _____, Oregon Laws 2007 (Enrolled _____ Bill _____).

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 15 to be added to and made a part of Article IX, such section to read:

SECTION 15. (1) In addition to and not in lieu of any other tax:

(a) A tax equal to 42.25 mills is imposed upon the distribution of each cigarette in this state;

(b) A tax equal to 30 percent of the wholesale price of each cigar is imposed upon the distribution of each cigar in this state; and

(c) A tax equal to 30 percent of the wholesale price of each other tobacco product is imposed upon the distribution of each other tobacco product in this state.

(2) For purposes of subsection (1) of this section, distribution of cigarettes, cigars or other tobacco products occurs when the taxes imposed under this section have not been paid on cigarettes, cigars or other tobacco products and the cigarettes, cigars or other products are:

(a) Brought or transported into this state for sale, use or consumption in this state;

(b) Made, manufactured or fabricated in this state for sale, use or consumption in this state;

(c) Shipped or transported to retail dealers in this state for sale, use or consumption by those retail dealers;

(d) Stored in this state for sale, use or consumption in this state;

(e) Sold in this state; or

(f) Possessed by a consumer in this state.

(3) Notwithstanding subsection (1) of this section:

(a) Cigarettes transported into this state in quantities of less than 200 cigarettes that

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 are used or possessed by the first person in possession of those cigarettes are exempt from
2 the tax imposed under paragraph (a) of subsection (1) of this section;

3 (b) The Legislative Assembly may exempt from the taxes imposed under subsection (1)
4 of this section cigarettes, cigars and tobacco products that are exempt from taxation under
5 Oregon law on the effective date of this section; and

6 (c) The Legislative Assembly may provide that the tax imposed under paragraph (b) of
7 subsection (1) of this section, when combined with existing taxes on cigars, may not exceed
8 50 cents per cigar.

9 (4) The Legislative Assembly may enact laws to facilitate administration of the taxes
10 imposed under this section, including but not limited to laws defining terms used in this
11 section.

12 (5) Revenues from the taxes imposed under this section are dedicated to providing health
13 care to children, low-income adults and other medically underserved Oregonians and to to-
14 bacco use prevention and education.

15 (6) The taxes imposed under this section apply to:

16 (a) Distributions of cigarettes, cigars and other tobacco products occurring on or after
17 January 1, 2008; and

18 (b) Cigarettes that are in this state and in the possession of a person, other than a con-
19 sumer for purposes of consumption, as of January 1, 2008.

20
21 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the
22 people for their approval or rejection at a special election held throughout this state as
23 provided in section _____, chapter _____, Oregon Laws 2007 (Enrolled _____ Bill _____) (LC
24 _____).

25 _____