

# House Bill 2616

Sponsored by Representative KAHL; Representatives BAILEY, BARNHART, BUCKLEY, CANNON, CLEM, COWAN, DEMBROW, GALIZIO, GARRETT, KOTEK, NATHANSON, READ, RILEY, SHIELDS, J SMITH, STIEGLER, TOMEI, VANORMAN, WITT, Senator VERGER

## 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 **as introduced**.

Removes prohibition against local government imposition of taxes on cigarettes and tobacco products.

Applies to cigarettes and tobacco products distributed after effective date of Act.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to local government tobacco taxes; creating new provisions; amending ORS 323.030, 323.031  
3 and 323.640; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 323.030 is amended to read:

6 323.030. (1) Every distributor shall pay a tax upon distributions of cigarettes at the rate of 29  
7 mills for the distribution of each cigarette in this state.

8 *[(2) The taxes imposed by ORS 323.005 to 323.482 are in lieu of all other state, county or municipal*  
9 *taxes on the sale or use of cigarettes.]*

10 *[(3)]* **(2)** Any cigarette with respect to which a tax has been prepaid under ORS 323.068 or has  
11 otherwise once been imposed under ORS 323.005 to 323.482 is not subject upon a subsequent dis-  
12 tribution to the taxes imposed by ORS 323.005 to 323.482.

13 **SECTION 2.** ORS 323.640 is amended to read:

14 323.640. *[(1) The taxes imposed by ORS 323.505 are in lieu of all other state, county or municipal*  
15 *taxes on the sale or use of tobacco products.]*

16 *[(2)]* Any tobacco product with respect to which a tax has once been imposed under ORS 323.505  
17 shall not be subject upon a subsequent distribution to the taxes imposed by ORS 323.505.

18 **SECTION 3.** ORS 323.031 is amended to read:

19 323.031. (1) Notwithstanding ORS 323.030 *[(2)]* and in addition to and not in lieu of any other tax,  
20 every distributor shall pay a tax upon distributions of cigarettes at the rate of 30 mills for the dis-  
21 tribution of each cigarette in this state.

22 (2) Any cigarette for which a tax has once been imposed under ORS 323.005 to 323.482 may not  
23 be subject upon a subsequent distribution to the taxes imposed by ORS 323.005 to 323.482.

24 **SECTION 4. The amendments to ORS 323.030, 323.031 and 323.640 by sections 1 to 3 of this**  
25 **2009 Act apply to cigarettes and tobacco products distributed after the effective date of this**  
26 **2009 Act.**

27 **SECTION 5. This 2009 Act takes effect on the 91st day after the date on which the reg-**  
28 **ular session of the Seventy-fifth Legislative Assembly adjourns sine die.**

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**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.