

**International Premium Cigar & Pipe Retailers Association  
Weekly Legislative Report**

**February 12, 2018 – February 19, 2018**

The following legislative activity occurred in the preceding week on key issues impacting our members. Please contact us with any questions or comments you have regarding these activities.

**ALABAMA**

**H.B. 26 - Smoking Bans**

**Sponsor:** Representative Rolanda Hollis (D)

**Summary:** This measure would prohibit smoking tobacco products in a motor vehicle when a minor is also riding in the vehicle.

<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2018RS/PrintFiles/HB26-int.pdf>

**Status:** Prefiled; referred to the House Judiciary Committee 11/7/2017. Introduced 1/9/2018. Hearing held; passed committee 1/18/2018. Passed House 1/30/2018. Referred to Senate Health and Human Services 2/8/2018.

**Outlook:** This measure was referred to the Senate Health and Human Services Committee, chaired by Senator Jim McClendon (R).

This measure passed the House by a 41-30 vote.

**State Outlook:** The Republican Party controls the House of Representatives and the Senate, as well as the Governor's Office. Each regular legislative session convenes annually and lasts no longer than 30 legislative days during a 105-calendar-day period. The bill introduction deadline in both chambers is the 26th legislative day. The first crossover deadline is the 28th legislative day. Special sessions of the Legislature may be called by the Governor, with the Proclamation listing the subjects which the Governor wishes considered. These sessions are limited to 12 legislative days within a 30 calendar day span. Legislation is not eligible for carryover from one session to the next.

Upon introduction, a bill is referred to a committee. Committees are not required to hear every bill referred to them. Bills in Alabama require three readings for final passage in each chamber. If the House and Senate versions of the bill differ, a conference committee is created to resolve differences. Members of the conference committees are appointed by the Speaker of the House and Senate President and consist of three Representatives and three Senators. If the report is passed by the committee, it goes back to the House and Senate for final approval. If the conference committee is unable to reach an agreement, it may be discharged, and a new conference committee may be appointed. Highly controversial bills may be referred to several different conference committees. After the report passes both chambers, the final bill is sent to Governor for action.

Alabama's budget occurs on a biennial basis and contains policy or appropriations. The Governor's proposed budget and the final budget are statutorily required to be balanced. Two versions of the budget are introduced in the House and Senate. The House version is referred to the House Ways and Means General Fund Committee the second day of the session. After passing the committee, the bill goes to the floor, where it may be further amended before passage. The process repeats itself in the Senate and the two chambers resolve differences in a conference committee. Once the conference report is adopted by both chambers, the bill is sent to the Governor for approval

**Effective Date:** 90 days following enactment

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## ALASKA

### S.B. 15 - E-Cigarettes

**Sponsor:** Senator Gary Stevens (R)

**Summary:** Current version (4/10/2017): This measure creates a violation for an individual under 19 years of age who knowingly possess a electronic smoking products. Requires retail organizations that sell electronic smoking products to restrict access to the premises to those individuals who are 19 years of age or older.

Current version (4/10/2017): <http://www.legis.state.ak.us/PDF/30/Bills/SB0015C.PDF>

Amended version (3/2/2017): <http://www.legis.state.ak.us/PDF/30/Bills/SB0015B.PDF>

Introduced version: <http://www.legis.state.ak.us/PDF/30/Bills/SB0015A.PDF>

**Status:** Filed 1/13/2017. Introduced; referred to Senate Labor & Commerce Committee 1/18/2017. Hearing held 2/14/2017. Hearing held 2/21/2017. Hearing held; substituted; passed committee 3/2/2017. Referred to Senate Judiciary Committee 3/6/2017. Hearing held 3/27/2017. Hearing held 4/3/2017. Hearing held 4/5/2017. Hearing held; substituted; passed committee 4/7/2017. Referred to Senate Finance Committee 4/10/2017. Hearing held 2/16/2018.

**Outlook:** This measure was heard February 16. No votes were taken nor amendments reported. The measure awaits further consideration before the committee.

Testimony was provided in support from MAT-SU Health Foundation. Testimony was provided in opposition from Mapes Vapes and Ice Fog Vapor.

**State Outlook:** The Republican Party controls the Senate, a coalition between the Democratic Party and Republican Party controls the House of Representatives, and Governor Bill Walker is an Independent. The Alaska Legislature meets annually beginning in January and is limited to 120 days with the possibility of a 10-day extension. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in a subsequent even-numbered year.

Upon introduction, a bill may be referred to a committee. However, committees are not required to hear every bill referred to them. A bill may be heard multiple times and by multiple committees before its second reading. During a hearing, the bill may receive public testimony and can be amended or substituted. Once the bill passes the committee, it may be referred to another committee or to the Rules Committee, which can add further amendments or assign the measure to the chamber's calendar for a second reading. Amendments and substitutes must be germane to the bill. During the second reading, the bill may be amended again. A final vote occurs during the third reading.

The Alaska budget process occurs on an annual basis and only contains appropriations. Both the House and Senate Rules Committees introduce legislation that is referred to the House and Senate Finance Committees, respectively. Subcommittees may hear and recommend amendments to the full committee during the process. Typically, the House bill will have been substituted and moved to the floor before the Senate bill. The process will then begin again within the second chamber. After passage, the final budget is sent to the Governor for approval.

**Effective Date:** Upon approval of the Governor.

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## ARIZONA

Nothing to report.

## ARKANSAS

Nothing to report.

## CALIFORNIA

Nothing to report.

## COLORADO

### **S.B. 139 - Retail Licensing**

**Sponsor:** Senator John Cooke (R)

**Summary:** The measure establishes a licensure requirement for retailers who sell cigarettes, tobacco products, or nicotine products (products). The measure requires beginning January 1, 2019, it is illegal for any person doing business in the state to sell or offer for sale products without first obtaining a license as a retailer from the division of liquor enforcement in the department of revenue (division). The measure requires a retailer with more than one location is required to have a separate license for each location.

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_139\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_139_01.pdf)

**Status:** Introduced; referred to Senate Business, Labor, and Technology Committee 1/29/2018. Hearing scheduled 2/21/2018.

**Outlook:** This measure will be heard February 21. The hearing will be open to the public and testimony will be accepted at the discretion of the Chair. According to committee staff, measures are generally voted on the first time they are heard at the discretion of the Chair.

This measure has been referred to the Senate Business, Labor, and Technology Committee, where Senator Jack Tate (R) serves as Chair. The sponsor does not serve on the committee of referral.

The sponsor is a member of the majority party. This measure has garnered the support of co-sponsors.

**State Outlook:**

The Republican Party controls the Senate, while the Democratic Party controls the House of Representatives and the Governor's office. The legislative session convenes annually in mid-January and adjourns in early to mid-May. Legislation is not eligible for carryover from one session to the next. Legislators cannot introduce more than five bills per session, excluding appropriations and interim bills, resulting in low bill volume. There is a strict bill introduction deadline; bills may only be introduced after the deadline if the member gets a delayed bill request signed by the House or Senate Committee on Delayed Bills.

Upon introduction, a bill is referred to one committee. In Colorado, every bill receives a public hearing by one of the Legislature's committees. Colorado's General Assembly can be very partisan; bills sponsored by Republican-controlled committees have a hard time passing Democrat-controlled committees, and vice versa. Colorado's Legislature is generally slow-moving, however, high-priority items can be considered with little notice and may be pushed through the process quickly. Bills may be amended or substituted in committee or on the floor, as long as they are germane to the original bill. If floor amendments to the measure are substantial, the bill may be referred back to its committee before a final vote on the third reading.

Colorado's budget occurs on an annual basis and only contains appropriations. After the Governor introduces a budget to the Joint Budget Committee, the committee drafts the budget and submits it to the Legislature. Appropriations Committee hearings then take place, where stakeholders and members of the public may submit testimony. Both chambers vote on the budget that comes out of the Joint Budget Committee. Should the chambers pass different versions, a conference committee meets the Joint Budget Committee to resolve differences. Conference committees are appointed by the Speaker of the House and President of the Senate and are comprised of three members in each chamber. Once the conference committee agrees on the bill and the report passes both chambers, the budget is sent to the Governor for action.

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## CONNECTICUT

### H.B. 5095 - Tobacco Taxes

**Sponsor:** Representative Andrew Fleischmann (D)

**Summary:** This measure increases the cigarette tax by one dollar, with fifty per cent of the revenue to be dedicated to tobacco education, prevention and cessation programs and fifty per cent of the revenue to be deposited in the General Fund.

<https://www.cga.ct.gov/2018/TOB/h/pdf/2018HB-05095-R00-HB.pdf>

**Status:** Introduced; referred to Joint Committee on Finance, Revenue, and Bonding 2/14/2018.

**Outlook:** This measure has been referred to the Joint Committee on Finance, Revenue, and Bonding, where Senator John Fonfara (D) and Representative Jason Rojas (D) serves as Chair. Committees in Connecticut are comprised of members of both legislative chambers, but measures require a separate favorable vote on each chamber floor before being sent to the Governor. The sponsor does not serve on the committee of referral.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

**State Outlook:**

The Democratic Party controls the House of Representatives and the Governor's Office. Control of the Senate is split evenly between the Republican Party and the Democratic Party, with Lieutenant Governor Nancy Wyman (D) holding the deciding vote in the event of a tie. Connecticut operates on a biennium. In even-numbered years, the legislative session lasts three months; in odd-numbered years, the legislative session lasts five months. The legislature is tasked with implementing a budget in odd-numbered years and even-numbered years are used to address any issues with the budget that may arise. There is no carryover between years.

Bills in Connecticut may be introduced by an individual legislator or by a specific committee. Bills introduced by legislators enter the process as proposed bills without full statutory language. Connecticut has Joint Committees, where legislators from both the House and Senate serve. The Joint Committee of referral will hold an executive session to decide whether to draft the bill. Once the bill is drafted it will most likely receive a public hearing; however, bills are not required to receive a public hearing in Connecticut. Amendments may be made in Committee and on the House and Senate floors. Although Connecticut has germaneness rules, in actuality there is no requirement for germaneness. The majority party can and will ignore these rules, giving them full control over the final adopted language of a bill. Due to the nature of joint committees, a bill can be reported out of a committee favorably by a single chamber. With the even-split in the Senate, this is a more frequent but is still historically rare and only used on controversial measures.

The bill is sent to the chamber that reported the measure favorably, without regard to the chamber of origin. In this event, bills are still required to pass both chambers. After passing the joint committee, a bill is typically heard only once more in its respective chamber before a final vote is taken. A bill may be amended before a final vote is taken. Bills must pass both chambers before being sent to the Governor. In even-numbered years, only committees may introduce bills unrelated to budget matters. If a legislator wishes to have a non-budget bill raised, they must petition the committee to raise the concept as a committee bill. Connecticut's budget is passed in two parts; an Appropriations budget that outlines where money is being spent and a Finance budget that determines how the budget will be funded. The Finance budget often contains legislation and legislators will also use the budget implementer to sneak failed

legislation and leadership may add other favors for legislators, otherwise known as “rats”, in the bill language.

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**S.B. 164 - E-Cigarettes, Tobacco Age Restrictions**

**Sponsor:** CT Joint Committee on Public Health

**Summary:** This measure raises the age of purchasing tobacco products to 21 years old.

<https://www.cga.ct.gov/2018/TOB/s/pdf/2018SB-00164-R00-SB.pdf>

**Status:** Introduced; referred to Joint Committee on Public Health 2/16/2018.

**Outlook:** This measure has been referred to the Joint Committee on Public Health, where Senator Terry Gerrata (D) and Representative Jonathan Steinberg (D) serves as Chair. Committees in Connecticut are comprised of members of both legislative chambers, but measures require a separate favorable vote on each chamber floor before being sent to the Governor. The sponsor does not serve on the committee of referral.

**State Outlook:**

The Democratic Party controls the House of Representatives and the Governor’s Office. Control of the Senate is split evenly between the Republican Party and the Democratic Party, with Lieutenant Governor Nancy Wyman (D) holding the deciding vote in the event of a tie. Connecticut operates on a biennium. In even-numbered years, the legislative session lasts three months; in odd-numbered years, the legislative session lasts five months. The legislature is tasked with implementing a budget in odd-numbered years and even-numbered years are used to address any issues with the budget that may arise. There is no carryover between years.

Bills in Connecticut may be introduced by an individual legislator or by a specific committee. Bills introduced by legislators enter the process as proposed bills without full statutory language. Connecticut has Joint Committees, where legislators from both the House and Senate serve. The Joint Committee of referral will hold an executive session to decide whether to draft the bill. Once the bill is drafted it will most likely receive a public hearing; however, bills are not required to receive a public hearing in Connecticut. Amendments may be made in Committee and on the House and Senate floors. Although Connecticut has germaneness rules, in actuality there is no requirement for germaneness. The majority party can and will ignore these rules, giving them full control over the final adopted language of a bill. Due to the nature of joint committees, a bill can be reported out of a committee favorably by a single chamber. With the even-split in the Senate, this is a more frequent but is still historically rare and only used on controversial measures.

The bill is sent to the chamber that reported the measure favorably, without regard to the chamber of origin. In this event, bills are still required to pass both chambers. After passing the joint committee, a bill is typically heard only once more in its respective chamber before a final vote is taken. A bill may be amended before a final vote is taken. Bills must pass both chambers before being sent to the Governor. In even-numbered years, only committees may introduce

bills unrelated to budget matters. If a legislator wishes to have a non-budget bill raised, they must petition the committee to raise the concept as a committee bill. Connecticut's budget is passed in two parts; an Appropriations budget that outlines where money is being spent and a Finance budget that determines how the budget will be funded. The Finance budget often contains legislation and legislators will also use the budget implementer to sneak failed legislation and leadership may add other favors for legislators, otherwise known as "rats", in the bill language.

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## DELAWARE

Nothing to report.

## DISTRICT OF COLUMBIA

Nothing to report.

## FLORIDA

### H.J.R. 7001 - Tobacco Taxes

**Sponsor:** House Ways and Means Committee

**Summary:** This measure would amend the state constitution to require a supermajority vote before:

- 1) Enacting any new state taxes and/or fees
- 2) Raising any existing state taxes and/or fees

Also, this measure limits every future measure regarding tax to only 1 tax provision per measure. This measure encompasses all forms a variances of taxes and/or fees and is not limited in it's scope.

<http://www.flsenate.gov/Session/Bill/2018/7001/BillText/Filed/PDF>

**Status:** Filed 11/8/2017. Referred to House Appropriations Committee 11/9/2017. Hearing held; passed committee 1/9/2018. Passed House 1/25/2018. Referred to Senate Appropriations Subcommittee on Finance and Tax and Appropriations Committee 2/1/2018. Hearing scheduled 2/20/2018.

**Outlook:** This measure will be heard February 20. The hearing will be open to the public and testimony will be accepted at the discretion of the Chair. A vote may occur at the discretion of the Chair.

This measure was referred to the Senate Appropriations Subcommittee on Finance and Tax and the Appropriations Committee for consideration.

This measure passed the House by a vote of 80-29 January 25.

This measure has passed the House Appropriations Committee by a vote of 20-8 on January 9.

This measure has been referred to the House Appropriations Committee where Representative Carlos Trujillo (R) serves as Chair. Representative Tom Leek (R), the member of the House Ways and Means Committee who is technically sponsoring the measure, does not serve on the committee of referral.

This measure is sponsored by the House Ways and Means Committee (specifically by Representative Tom Leek (R)) as a means to amend the state constitution regarding tax implementation and/or increases. Because this measure would directly amend the state constitution, it has been introduced in the form of a joint resolution. Generally, resolution type measures move faster through the legislative process than normal bills as they are (usually) only referred to a single committee, rather than multiple. This measure has been referred to the House Appropriations Committee, where Representative Carlos Trujillo (R) serves as Chair. Representative Tom Leek (R) does not serve on the committee of referral.

Governor Rick Scott (R) provided personal input on the measure, stating that, "This legislature has shown that you are against raising taxes by cutting hundred of millions of tax dollars last year, but we need to work together to ensure this commitment will continue. I think it is important we don't raise taxes." The Governor also said he spoke with multiple businesses that were considering leaving due to harmful municipal and state taxes. Representatives from the National Federation of Independent Business and AFL-CIO were noted to be supportive of the measure, while a representative from Florida TaxWatch rendered support but would rather the margin of passage be 3/5 instead of the supermajority dictated in the current text. Currently, the constitution requires a 3/5 supermajority to increase the corporate income tax above 5%. If passed, Florida would join 11 other states that currently have a supermajority vote requirement for all tax increases.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the Governor's Office. The legislative session meets annually and lasts 60 days, convening in March and adjourning in May. The Legislature has an active interim, as prefiled bills may be considered and passed through committees of referral before being formally introduced.

After being filed, a bill may be referred to multiple committees. However, committees are not required to hear every bill referred to them. Stakeholders and members of the public may testify at each hearing, and the bill may be amended in each committee and on the chamber floors. Amendments and substitutes must be germane to the bill. A bill must pass through each committee of referral prior to being heard on the floor. Bills in Florida require three readings for final passage in each chamber. Many bills in Florida have companions in the opposite chamber with identical text. Once the legislature formally convenes, a bill may be substituted for its companion in the opposite chamber if that bill has already undergone the committee process and passed its chamber of origin. Companions are frequently used as a mechanism to expedite the legislative process toward the end of session.

The Florida budget occurs on an annual basis and contains policy and appropriations through a collection of bills. Appropriation Bills establish funding sources, specific uses of funds and spending authority. Implementing bills, which are only effective for a single fiscal year, enact any language necessary to implement the budget as defined in the appropriations bill. Conforming

bills amend the statutes to conform to an appropriations bill. These bills are generally drafted by each chamber's respective appropriations committees and companions are often utilized to speed up the budget process. Once passed by the respective appropriations committees, each chamber will consider the measure on their respective chamber floors for further debate and deliberation. Joint Budget Conference Committees are formed to negotiate differences between the measures. The conference report cannot be amended and must be adopted in its entirety. After passage, the final budget is sent to the Governor for approval

**Effective Date:** No effective date provided

### **S.B. 1288 - E-Cigarettes, Mail Order Prohibitions, Tobacco Age Restrictions**

**Sponsor:** Senator David Simmons (R)

**Summary:** This measure establishes any person who ships tobacco products to an individual under 21 commits a noncriminal violation and must serve at least 20 hours of community service. The measure establishes any person who violates a second or subsequent time within 1 year of the first violation commits a noncriminal violation and must serve at least 40 hours of community service. The measure revises the age limit for smoking near school property to 21. This measure prohibits entities from gifting sample tobacco products to persons under 21 years of age.

“Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. The term includes any component, part, or accessory of such a device, sold separately or with the device, and includes any substance intended to be aerosolized or vaporized during the use of the device. The term does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

“Tobacco products” means any product that is made from or derived from tobacco or that contains nicotine and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term includes electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. The term does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

<http://www.flsenate.gov/Session/Bill/2018/1288/BillText/Filed/PDF>

**Status:** Filed 12/18/2017. Referred to Senate Regulated Industries Committee; Senate Commerce and Tourism Committee; Senate Rules Committee 1/11/2018. Hearing held 2/14/2018.

**Outlook:** This measure was heard February 14. No votes were taken nor amendments reported. The measure awaits further consideration before the committee.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the Governor's Office. The legislative session meets annually and lasts 60 days, convening in March and adjourning in May. The Legislature has an active interim, as prefiled bills may be considered and passed through committees of referral before being formally introduced.

After being filed, a bill may be referred to multiple committees. However, committees are not required to hear every bill referred to them. Stakeholders and members of the public may testify at each hearing, and the bill may be amended in each committee and on the chamber floors. Amendments and substitutes must be germane to the bill. A bill must pass through each committee of referral prior to being heard on the floor. Bills in Florida require three readings for final passage in each chamber. Many bills in Florida have companions in the opposite chamber with identical text. Once the legislature formally convenes, a bill may be substituted for its companion in the opposite chamber if that bill has already undergone the committee process and passed its chamber of origin. Companions are frequently used as a mechanism to expedite the legislative process toward the end of session.

The Florida budget occurs on an annual basis and contains policy and appropriations through a collection of bills. Appropriation Bills establish funding sources, specific uses of funds and spending authority. Implementing bills, which are only effective for a single fiscal year, enact any language necessary to implement the budget as defined in the appropriations bill. Conforming bills amend the statutes to conform to an appropriations bill. These bills are generally drafted by each chamber's respective appropriations committees and companions are often utilized to speed up the budget process. Once passed by the respective appropriations committees, each chamber will consider the measure on their respective chamber floors for further debate and deliberation. Joint Budget Conference Committees are formed to negotiate differences between the measures. The conference report cannot be amended and must be adopted in its entirety. After passage, the final budget is sent to the Governor for approval

**Effective Date:** October 1, 2018

## GEORGIA

### H.B. 877 - Tobacco Taxes

**Sponsor:** Representative Chad Nimmer (R)

**Summary:** This measure states that the taxes levied by this chapter shall be reduced by 50 percent for any product included in a modified risk tobacco product order issued by the secretary of the United States Department of Health and Human Services pursuant to 21 U.S.C. Section 387k(g)(1) or by 25 percent for any product included in a modified risk tobacco product order issued by the secretary of the United States Department of Health and Human Services pursuant to 21 U.S.C. Section 387k(g)(2).

<http://www.legis.ga.gov/Legislation/20172018/172863.pdf>

**Status:** Introduced 2/8/2018. Referred to House Ways and Means 2/13/2018. Hearing held 2/14/2018.

**Outlook:** This measure was heard February 14. No votes were taken nor amendments reported. The measure awaits further consideration before the committee.

The sponsor is a member of the majority and chair of the House Appropriations General Government Subcommittee.

**State Outlook:** The Republican Party controls the House of Representatives and the Senate, as well as the Governor's Office. The Legislature meets every year on the second Monday in January for a 40-day session. Prefiling begins November 15 of each year and ends on the Friday before the second Monday in January. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in subsequent even-numbered year. Upon introduction, a bill is referred to a committee. If the measure receives a hearing, members of the public may testify on this bill and legislators may amend the measure. Bills can be amended in committee or on the floor. Amendments must be germane to the original bill; however, Georgia allows shell bills that have little or no substantive language and serve as a placeholder for legislative proposals to be amended into the measure at a later date.

All bills reported out of committee have been read at least two times and are eligible for selection by the Rules Committee to be placed on the next day's floor agenda. Bills in Georgia require three readings for final passage in each chamber and can be amended on third reading as long as the bill has not been engrossed. If there are differences between the House and Senate versions of the bill, a conference committee is appointed to resolve differences. If the report is passed by committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to the Governor for action.

Georgia's budget occurs on an annual basis and contains only appropriations. Georgia is a "zero based budgeting state," meaning that any additions to the Governor's budget must be accompanied by a cut elsewhere in the budget. Once both chambers have passed the budget bill, a conference committee is appointed to resolve differences between the two versions. A conference committee will draft a final version for approval in both chambers. After passage, the final budget is sent to the Governor for approval.

**Effective Date:** July 1, 2018

## HAWAII

### H.B. 2492 - E-Cigarettes

**Sponsor:** Representative Della Au Belatti (D)

#### **Summary:**

Current version (2/2/2018): This measure makes it unlawful to ship tobacco products to anyone other than a licensee and includes e-liquid within the definition of "tobacco products", as used in

the cigarette tax and tobacco tax law, thereby making all provisions of the cigarette tax and tobacco tax law that relate to tobacco products applicable to e-liquid as well. The measure also increases the license fee for wholesalers or dealers and the retail tobacco permit fee to \$250.

"E-liquid" means any liquid or like substance, containing nicotine, that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container.

Current version

(2/2/2018): [https://www.capitol.hawaii.gov/session2018/bills/HB2492\\_HD1\\_.HTM](https://www.capitol.hawaii.gov/session2018/bills/HB2492_HD1_.HTM)

Introduced version (1/24/2018): [https://www.capitol.hawaii.gov/session2018/bills/HB2492\\_.PDF](https://www.capitol.hawaii.gov/session2018/bills/HB2492_.PDF)

**Status:** Introduced 1/24/2018. Referred to House Health and Human Services Committee, House Commerce and Consumer Protection Committee, House Finance Committee 1/29/2018. Hearing held; amended; passed committee 2/2/2018. Hearing held; passed committee 2/13/2018.

**Outlook:** This measure was heard February 13 in the House Commerce and Consumer Protection Committee, where it was passed by a unanimous vote. The measure awaits further consideration before the House Finance Committee.

Testimony was presented in support of this measure by several organizations, including the Department of Health and the American Heart Association. Testimony was presented in opposition to the measure by several organizations, including Volcano E-Cigarettes and Irie Hawaii Smoke and Vape Shops.

The amended text has recently been made available. The amendment deleted provisions that reference federal law, clarified that any person or entity who knowingly engages in the unlawful shipment of tobacco products shall be guilty of a misdemeanor, includes in the definition of "e-liquid" the requirement that the liquid or like substance must contain nicotine and changed the effective date.

This measure was heard February 2, where it was amended and passed by a unanimous vote. The measure awaits further consideration before the House Commerce and Consumer Protection Committee.

**State Outlook:** The Democratic Party controls the House of Representative and the Senate, as well as the Governor's Office. Hawaii has a two-year session that convenes annually on the third Wednesday in January and remains in session for 60 legislative days. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in the subsequent even-numbered year. Resolutions are not eligible for carryover and will fail upon the adjournment of each session if they are not passed.

Upon introduction, most bills are referred to multiple committees. Committees are not required to hear all measures referred to them. The first committee to which a bill is referred is called the lead committee. Bills are normally drafted to take effect upon approval unless otherwise noted. Bills that include a "defective date" do not render the measure invalid if enacted, but instead is a way to revisit legislation while also passing it. Committee reports often explain that the reason for the defective date is to "further discussion." Senate amendments must be germane to the

bill, but House rules do not contain a germaneness provision. Bills in Hawaii require three readings for final passage in each chamber. To become law, a bill must pass three readings in each chamber on separate days. Differences between House and Senate versions of bills are resolved by a conference committee. Members of the conference committees are appointed by the Speaker of the House and Senate President and consist of three representatives and three senators. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to Governor for action.

Hawaii has a biennial budget cycle, but a supplemental budget is possible in the second year. The Legislature is not required to pass a balanced budget. Hawaii's budget contains policy and appropriations. The budget begins in both the House Finance Committee and the Senate Ways and Means Committee, where it is debated and amended. After the bill passes its respective committee, it receives consideration in the Committee of the Whole, which can vote on final passage and send the budget to the Governor for action.

**Effective Date:** July 1, 2018

## **H.B. 2535 - Smoking Bans**

**Sponsor:** Representative John Mizuno (D)

**Summary:** Current version (2/9/2018): This measure would prohibit smoking in a motor vehicle in which a person under the age of 18 is present. It requires the Department of Health to report on the enforceability of this Act and coordination of related data collection activities of the respective law enforcement agencies.

Current version (2/9/2018): Bill text not yet available.

Introduced version: [https://www.capitol.hawaii.gov/session2018/bills/HB2535\\_.PDF](https://www.capitol.hawaii.gov/session2018/bills/HB2535_.PDF)

**Status:** Introduced 1/24/2018. Referred to House Health and Human Services Committee, House Judiciary Committee 1/29/2018. Hearing held; amended; passed committee 2/9/2018.

**Outlook:** This measure was heard February 9 in the House Health and Human Services Committee, where it was amended and passed by a unanimous vote. The revised text has not yet been made available. The measure awaits further consideration before the House Judiciary Committee.

Testimony was offered in support of the measure by several organizations including the Hawaii Public Health Institute and the Coalition for a Tobacco-Free Hawaii. No testimony was presented in opposition.

This measure was referred to the House Health and Human Services Committee and the House Judiciary Committee, where it awaits further consideration.

**State Outlook:** The Democratic Party controls the House of Representative and the Senate, as well as the Governor's Office. Hawaii has a two-year session that convenes annually on the third Wednesday in January and remains in session for 60 legislative days. Bills left pending at

the end of a session in an odd-numbered year may be carried over to the following session in the subsequent even-numbered year. Resolutions are not eligible for carryover and will fail upon the adjournment of each session if they are not passed.

Upon introduction, most bills are referred to multiple committees. Committees are not required to hear all measures referred to them. The first committee to which a bill is referred is called the lead committee. Bills are normally drafted to take effect upon approval unless otherwise noted. Bills that include a "defective date" do not render the measure invalid if enacted, but instead is a way to revisit legislation while also passing it. Committee reports often explain that the reason for the defective date is to "further discussion." Senate amendments must be germane to the bill, but House rules do not contain a germaneness provision. Bills in Hawaii require three readings for final passage in each chamber. To become law, a bill must pass three readings in each chamber on separate days. Differences between House and Senate versions of bills are resolved by a conference committee. Members of the conference committees are appointed by the Speaker of the House and Senate President and consist of three representatives and three senators. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to Governor for action.

Hawaii has a biennial budget cycle, but a supplemental budget is possible in the second year. The Legislature is not required to pass a balanced budget. Hawaii's budget contains policy and appropriations. The budget begins in both the House Finance Committee and the Senate Ways and Means Committee, where it is debated and amended. After the bill passes its respective committee, it receives consideration in the Committee of the Whole, which can vote on final passage and send the budget to the Governor for action.

**Effective Date:** January 1, 2019

## **H.B. 2735 - Smoking Bans**

**Sponsor:** Representative John Mizuno (D)

**Summary:** Current version (2/8/2018): This measure would prohibit tobacco use and smoking, including the use of electronic smoking devices, by any person on the premises of University of Hawaii.

Current version (2/8/2018): Bill text not yet available

Introduced version (1/24/2018): [https://www.capitol.hawaii.gov/session2018/bills/HB2735\\_.PDF](https://www.capitol.hawaii.gov/session2018/bills/HB2735_.PDF)

**Status:** Introduced 1/24/2018. Referred to House Higher Education Committee, House Judiciary Committee 2/5/2018. Hearing deferred 2/6/2018. Hearing held; amended; passed committee 2/8/2018.

**Outlook:** This measure was heard on February 8 in the House Higher Education Committee, where it was amended and passed by a unanimous vote. The revised text has not yet been made available. The measure awaits further consideration before the House Judiciary Committee.

This measure has been referred to the House Higher Education Committee and the House Judiciary Committee.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

**State Outlook:** The Democratic Party controls the House of Representative and the Senate, as well as the Governor's Office. Hawaii has a two-year session that convenes annually on the third Wednesday in January and remains in session for 60 legislative days. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in the subsequent even-numbered year. Resolutions are not eligible for carryover and will fail upon the adjournment of each session if they are not passed.

Upon introduction, most bills are referred to multiple committees. Committees are not required to hear all measures referred to them. The first committee to which a bill is referred is called the lead committee. Bills are normally drafted to take effect upon approval unless otherwise noted. Bills that include a "defective date" do not render the measure invalid if enacted, but instead is a way to revisit legislation while also passing it. Committee reports often explain that the reason for the defective date is to "further discussion." Senate amendments must be germane to the bill, but House rules do not contain a germaneness provision. Bills in Hawaii require three readings for final passage in each chamber. To become law, a bill must pass three readings in each chamber on separate days. Differences between House and Senate versions of bills are resolved by a conference committee. Members of the conference committees are appointed by the Speaker of the House and Senate President and consist of three representatives and three senators. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to Governor for action.

Hawaii has a biennial budget cycle, but a supplemental budget is possible in the second year. The Legislature is not required to pass a balanced budget. Hawaii's budget contains policy and appropriations. The budget begins in both the House Finance Committee and the Senate Ways and Means Committee, where it is debated and amended. After the bill passes its respective committee, it receives consideration in the Committee of the Whole, which can vote on final passage and send the budget to the Governor for action.

**Effective Date:** Immediately

## **S.B. 2843 - Tobacco Taxes**

**Sponsor:** Senator Ronald Kouchi (D)

**Summary:** Current version (2/13/2018): This measure amends the excise tax rate on large cigars. The excise tax will be equal to the lesser of \$0.50 for each large cigar or any length or 50% of the wholesale price of each large cigar of any length, sold, used or possessed by a wholesaler or dealer on and after July 1, 2018.

Current version (2/13/2018): Bill text not yet available.

Introduced (1/24/2018): [https://www.capitol.hawaii.gov/session2018/bills/SB2843\\_.PDF](https://www.capitol.hawaii.gov/session2018/bills/SB2843_.PDF)

**Status:** Introduced; referred to Senate Ways and Means Committee 1/24/2018. Hearing held; amended; passed committee 2/13/2018.

**Outlook:** At the February 13 hearing, this measure was amended and passed by a 7-2 vote. The revised text has not yet been made available. The measure will now await consideration in the Senate.

This measure has been referred to the Senate Ways and Means Committee, where Senator Donovan Dela Cruz (D) serves as Chair. The sponsor does not serve on the committee of referral.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

**State Outlook:** The Democratic Party controls the House of Representative and the Senate, as well as the Governor's Office. Hawaii has a two-year session that convenes annually on the third Wednesday in January and remains in session for 60 legislative days. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in the subsequent even-numbered year. Resolutions are not eligible for carryover and will fail upon the adjournment of each session if they are not passed.

Upon introduction, most bills are referred to multiple committees. Committees are not required to hear all measures referred to them. The first committee to which a bill is referred is called the lead committee. Bills are normally drafted to take effect upon approval unless otherwise noted. Bills that include a "defective date" do not render the measure invalid if enacted, but instead is a way to revisit legislation while also passing it. Committee reports often explain that the reason for the defective date is to "further discussion." Senate amendments must be germane to the bill, but House rules do not contain a germaneness provision. Bills in Hawaii require three readings for final passage in each chamber. To become law, a bill must pass three readings in each chamber on separate days. Differences between House and Senate versions of bills are resolved by a conference committee. Members of the conference committees are appointed by the Speaker of the House and Senate President and consist of three representatives and three senators. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to Governor for action.

Hawaii has a biennial budget cycle, but a supplemental budget is possible in the second year. The Legislature is not required to pass a balanced budget. Hawaii's budget contains policy and appropriations. The budget begins in both the House Finance Committee and the Senate Ways and Means Committee, where it is debated and amended. After the bill passes its respective committee, it receives consideration in the Committee of the Whole, which can vote on final passage and send the budget to the Governor for action.

**Effective Date:** July 1, 2018

## **S.B. 3004 - Smoking Bans**

**Sponsor:** Senator Michelle Kidani (D)

**Summary:** Current version (2/8/2018): This measure would prohibit tobacco use and smoking, including the use of electronic smoking devices, by any person on the premises of University of Hawaii.

Introduced Version (1/24/2018): [https://www.capitol.hawaii.gov/session2018/bills/SB3004\\_.PDF](https://www.capitol.hawaii.gov/session2018/bills/SB3004_.PDF)

**Status:** Introduced 1/24/2018. Referred to Senate Commerce, Consumer Protection and Health Committee, Senate Labor Committee, Senate Ways and Means Committee, Senate Higher Education Committee 1/26/2018. Hearing held; amended; passed committee 2/8/2018.

**Outlook:** This measure was heard February 8, where it was amended and passed by a unanimous vote. The revised text has not yet been made available. The measure awaits further consideration before the Senate Ways and Means Committee.

This measure has been referred to the Senate Commerce, Consumer Protection and Health Committee where Senator Rosalyn Baker (D) serves as Chair, the Senate Labor Committee where Senator Jill Tokuda (D) serves as Chair, the Senate Ways and Means Committee where Senator Donovan Dela Cruz (D) serves as Chair and the Senate Higher Education Committee, where Senator Kaiali'i Kahele (D) serves as Chair. A bill must pass through each committee of referral prior to being heard on the House or Senate floor. The sponsor serves on the committee(s) of referral.

The sponsor is a member of the majority party. This measure has garnered the support of co-sponsors.

**State Outlook:** The Democratic Party controls the House of Representative and the Senate, as well as the Governor's Office. Hawaii has a two-year session that convenes annually on the third Wednesday in January and remains in session for 60 legislative days. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in the subsequent even-numbered year. Resolutions are not eligible for carryover and will fail upon the adjournment of each session if they are not passed.

Upon introduction, most bills are referred to multiple committees. Committees are not required to hear all measures referred to them. The first committee to which a bill is referred is called the lead committee. Bills are normally drafted to take effect upon approval unless otherwise noted. Bills that include a "defective date" do not render the measure invalid if enacted, but instead is a way to revisit legislation while also passing it. Committee reports often explain that the reason for the defective date is to "further discussion." Senate amendments must be germane to the bill, but House rules do not contain a germaneness provision. Bills in Hawaii require three readings for final passage in each chamber. To become law, a bill must pass three readings in each chamber on separate days. Differences between House and Senate versions of bills are resolved by a conference committee. Members of the conference committees are appointed by the Speaker of the House and Senate President and consist of three representatives and three senators. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to Governor for action.

Hawaii has a biennial budget cycle, but a supplemental budget is possible in the second year. The Legislature is not required to pass a balanced budget. Hawaii's budget contains policy and appropriations. The budget begins in both the House Finance Committee and the Senate Ways and Means Committee, where it is debated and amended. After the bill passes its respective

committee, it receives consideration in the Committee of the Whole, which can vote on final passage and send the budget to the Governor for action.

**Effective Date:** Immediately

## **IDAHO**

Nothing to report.

## **ILLINOIS**

Nothing to report.

## **INDIANA**

Nothing to report.

## **IOWA**

Nothing to report.

## **KANSAS**

Nothing to report.

## **KENTUCKY**

Nothing to report.

## **LOUISIANA**

Nothing to report.

## **MAINE**

Nothing to report.

## **MARYLAND**

### **H.B. 953 - Tobacco Age Restrictions**

**Sponsor:** Delegate Marice Morales (D)

**Summary:** This measure alters provisions of law to prohibit a person from distributing a certain tobacco product to an individual under the age of 21 years, rather than to a minor. It would prohibit a person from distributing a tobacco product without first examining a government-issued photographic identification of a certain purchaser or recipient in order to determine the

date of birth of the prospective purchaser or recipient.

<http://mgaleg.maryland.gov/2018RS/bills/hb/hb0953F.pdf>

**Status:** Introduced; referred to the House Economic Matters Committee, House Health and Government Operations Committee 2/5/2018. Hearing scheduled 2/28/2018.

**Outlook:** This measure will be heard February 28 in the House Economic Matters Committee. The hearing will be open to the public and testimony will be accepted at the discretion of the Chair, Delegate Dereck Davis (D). A vote is not likely, but will likely occur in a future hearing not open to the public.

The text of this measure has recently been made available.

This measure has been referred to the House Economic Matters Committee and the House Health and Government Operations Committee.

The sponsor is a member of the majority party.

**State Outlook:** The Democratic Party controls the House of Representatives and the Senate, while the Republican Party controls the Governor's Office. The General Assembly convenes annually for 90-day sessions. Each session begins on the second Wednesday of January. The General Assembly can adjourn early or extend session beyond 90 days for a maximum amount of 30 days by a resolution supported by three-fifths of the members in each chamber. Legislation is not eligible for carryover from one session to the next.

In Maryland, the bill filing deadline is the 24th legislative day in the Senate and the 31st legislative day in the House. If a bill meets the filing deadline, it is guaranteed to receive a committee hearing. The courtesy deadline for committees to report bills in the committee to the floor is the 63rd legislative day. Toward the end of the session, the actual calendar date and the "legislative date" become separated. Maryland include both dates in its status history, but the actual date should be used rather than the legislative date. Upon introduction, a bill is referred to one or more committees. During a public hearing, members of the public may testify on the bill. After the hearing, legislators hold an executive session to vote on a recommendation for the measure. Executive sessions are not open to the public and are not announced prior to being called. If the bill receives a favorable recommendation, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Maryland require three readings for final passage in each chamber and cannot be amended on third reading. Maryland has germaneness provisions in both chambers that are enforced in committee.

Maryland's budget process occurs on an annual basis and only contains appropriations. Each legislative session, the House and Senate alternate which chamber will move the bill. After a passage of the conference committee report by both chambers, the budget is enacted and does not require the Governor's signature.

**Companion Bill:** 2018 S.B. 456

**Effective Date:** October 1, 2018

## **H.B. 1094 - E-Cigarettes**

**Sponsor:** Delegate Samuel Rosenberg (D)

**Summary:** This measure would prohibit a person that distributes tobacco products for commercial purposes from distributing to a minor an electronic nicotine delivery system.

<http://mgaleg.maryland.gov/2018RS/bills/hb/hb1094F.pdf>

**Status:** Introduced; referred to House Economic Matters Committee 2/7/2018. Hearing scheduled 2/28/2018.

**Outlook:** This measure will be heard February 28. The hearing will be open to the public and testimony will be accepted at the discretion of the Chair, Delegate Anne Kaiser (D). A vote is not likely, but will likely occur in a future hearing not open to the public.

This measure has been referred to the House Economic Matters Committee.

The sponsor is a member of the majority party.

**State Outlook:** The Democratic Party controls the House of Representatives and the Senate, while the Republican Party controls the Governor's Office. The General Assembly convenes annually for 90-day sessions. Each session begins on the second Wednesday of January. The General Assembly can adjourn early or extend session beyond 90 days for a maximum amount of 30 days by a resolution supported by three-fifths of the members in each chamber. Legislation is not eligible for carryover from one session to the next.

In Maryland, the bill filing deadline is the 24th legislative day in the Senate and the 31st legislative day in the House. If a bill meets the filing deadline, it is guaranteed to receive a committee hearing. The courtesy deadline for committees to report bills in the committee to the floor is the 63rd legislative day. Toward the end of the session, the actual calendar date and the "legislative date" become separated. Maryland include both dates in its status history, but the actual date should be used rather than the legislative date. Upon introduction, a bill is referred to one or more committees. During a public hearing, members of the public may testify on the bill. After the hearing, legislators hold an executive session to vote on a recommendation for the measure. Executive sessions are not open to the public and are not announced prior to being called. If the bill receives a favorable recommendation, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Maryland require three readings for final passage in each chamber and cannot be amended on third reading. Maryland has germaneness provisions in both chambers that are enforced in committee.

Maryland's budget process occurs on an annual basis and only contains appropriations. Each legislative session, the House and Senate alternate which chamber will move the bill. After a passage of the conference committee report by both chambers, the budget is enacted and does not require the Governor's signature.

**Effective Date:** October 1, 2018

## **S.B. 456 - Tobacco Age Restrictions**

**Sponsor:** Senator Delores Kelley (D)

**Summary:** This measure alters provisions of law to prohibit a person from distributing a certain tobacco product to an individual under the age of 21 years, rather than to a minor. It would prohibit a person from distributing a tobacco product without first examining a government-issued photographic identification of a certain purchaser or recipient in order to determine the date of birth of the prospective purchaser or recipient.

<http://mgaleg.maryland.gov/2018RS/bills/sb/sb0456F.pdf>

**Status:** Introduced; referred to Senate Finance Committee 1/26/2018. Hearing held 2/15/2018.

**Outlook:** This measure was be heard February 15. No votes were taken nor amendments reported. A vote will likely occur in a future hearing not open to the public.

This measure has been referred to the Senate Finance Committee, where Senator Thomas Middleton (D) serves as Chair. The sponsor does not serve on the committee of referral.

The sponsor is a member of the majority party. This measure has garnered the support of co-sponsors.

**State Outlook:** The Democratic Party controls the House of Representatives and the Senate, while the Republican Party controls the Governor's Office. The General Assembly convenes annually for 90-day sessions. Each session begins on the second Wednesday of January. The General Assembly can adjourn early or extend session beyond 90 days for a maximum amount of 30 days by a resolution supported by three-fifths of the members in each chamber. Legislation is not eligible for carryover from one session to the next.

In Maryland, the bill filing deadline is the 24th legislative day in the Senate and the 31st legislative day in the House. If a bill meets the filing deadline, it is guaranteed to receive a committee hearing. The courtesy deadline for committees to report bills in the committee to the floor is the 63rd legislative day. Toward the end of the session, the actual calendar date and the "legislative date" become separated. Maryland include both dates in its status history, but the actual date should be used rather than the legislative date. Upon introduction, a bill is referred to one or more committees. During a public hearing, members of the public may testify on the bill. After the hearing, legislators hold an executive session to vote on a recommendation for the measure. Executive sessions are not open to the public and are not announced prior to being called. If the bill receives a favorable recommendation, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Maryland require three readings for final passage in each chamber and cannot be amended on third reading. Maryland has germaneness provisions in both chambers that are enforced in committee.

Maryland's budget process occurs on an annual basis and only contains appropriations. Each legislative session, the House and Senate alternate which chamber will move the bill. After a passage of the conference committee report by both chambers, the budget is enacted and does not require the Governor's signature.

**Effective Date:** October 1, 2018

## **MASSACHUSETTS**

Nothing to report.

## **MICHIGAN**

Nothing to report.

## **MINNESOTA**

Nothing to report.

## **MISSISSIPPI**

Nothing to report.

## **MISSOURI**

Nothing to report.

## **MONTANA**

Nothing to report.

## **NEBRASKA**

### **L.B. 1087 - Tobacco Taxes**

**Sponsor:** Senator Justin Wayne (I)

**Summary:** This measure states that the tax on cigars, cheroots, or stogies shall be 20 percent of:

- 1) the purchase price of the cigars, cheroots, or stogies paid by the first owner or
- 2) the price at which a first owner who made, manufactured, or fabricated the cigars, cheroots, or stogies sells the items to others, except that the maximum tax imposed shall be 50 cents for each cigar, cheroot, or stogie.

<https://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB1087.pdf>

**Status:** Introduced 1/18/2018. Referred to Revenue Hearing 1/22/2018. Hearing held 2/15/2018.

**Outlook:** This measure was heard February 15 in the Revenue Committee. The Committee

Chair may now request the Executive Board vote to move this measure to the General File at any time, and this request will not be made public until the measure is moved to the General File. Once placed on the General File, any committee or floor amendments will be considered for adoption by the full Senate.

The sponsor is affiliated with the Democratic Party.

**State Outlook:** The Nebraska Legislature is technically non-partisan, but Republican-affiliated members compose the majority of the Senate.

Upon introduction, a bill may be referred to a committee by a nine-member reference committee. Committees are required to hear all bills refer to them and Legislators may designate on bill as a priority bill, which are heard before all non-priority bills. The committee chair may designate two bills in committee as priority bills, and the Speaker of the House may designate an additional 25 priority bills. When a hearing is held, members of the public may testify, and the committee may either kill the bill, hold it for further discussion, or advance it to the full legislature with or without recommended amendments. Omnibus bills are often introduced by committees that cove a broad spectrum of relevant issues.

Once reported out of committee, measures are placed in the General File and are eligible for debate and consideration by the full Legislature. This is regarded as the most important part of the legislative process and 25 votes are required to adopt amendments or move a bill from General File to the Select File, which is the next stage of consideration. Once in the Select file, bills may be debated, further amended, and voted on for a second time before moving to the final reading. Bills may not be voted on for final passage until at least five legislative days after its introduction and one legislative day after it is placed on final reading.

Nebraska's budget process occurs on a biennial basis and contain only appropriations. The process begins when the Governor's budget proposal is sent to the Appropriations Committee for consideration. If the Appropriations Committee does not place an amended version in the General File by the 70th day of session, the Governor's proposal is placed on the General File instead. Amendments can be offered to the bill on the floor before the bill is moved to final passage. If the Governor vetoes the bill, the Appropriations Committee must move to recommend the full chamber override the veto within one day of receiving the Governor's veto message. If the motion fails, the chair may arrange to override selected portions of the bill. Thirty votes are required to amend a veto override motion that includes another line-item veto.

## **L.B. 1117 - Tobacco Taxes**

**Sponsor:** Senator Sue Crawford (I)

**Summary:** This measure increases the tax on a pack of cigarettes from \$0.64 to \$2.14.

<https://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB1117.pdf>

**Status:** Introduced 1/18/2018. Referred to Revenue Committee 1/22/2018. Hearing held 2/15/2018.

**Outlook:** This measure was heard February 15. The Committee Chair may now request the Executive Board vote to move this measure to the General File at any time, and this request will not be made public until the measure is moved to the General File. Once placed on the General File, any committee or floor amendments will be considered for adoption by the full Senate.

The sponsor is affiliated with the Democratic Party.

**State Outlook:** The Nebraska Legislature is technically non-partisan, but Republican-affiliated members compose the majority of the Senate.

Upon introduction, a bill may be referred to a committee by a nine-member reference committee. Committees are required to hear all bills refer to them and Legislators may designate on bill as a priority bill, which are heard before all non-priority bills. The committee chair may designate two bills in committee as priority bills, and the Speaker of the House may designate an additional 25 priority bills. When a hearing is held, members of the public may testify, and the committee may either kill the bill, hold it for further discussion, or advance it to the full legislature with or without recommended amendments. Omnibus bills are often introduced by committees that cove a broad spectrum of relevant issues.

Once reported out of committee, measures are placed in the General File and are eligible for debate and consideration by the full Legislature. This is regarded as the most important part of the legislative process and 25 votes are required to adopt amendments or move a bill from General File to the Select File, which is the next stage of consideration. Once in the Select file, bills may be debated, further amended, and voted on for a second time before moving to the final reading. Bills may not be voted on for final passage until at least five legislative days after its introduction and one legislative day after it is placed on final reading.

Nebraska's budget process occurs on a biennial basis and contain only appropriations. The process begins when the Governor's budget proposal is sent to the Appropriations Committee for consideration. If the Appropriations Committee does not place an amended version in the General File by the 70th day of session, the Governor's proposal is placed on the General File instead. Amendments can be offered to the bill on the floor before the bill is moved to final passage. If the Governor vetoes the bill, the Appropriations Committee must move to recommend the full chamber override the veto within one day of receiving the Governor's veto message. If the motion fails, the chair may arrange to override selected portions of the bill. Thirty votes are required to amend a veto override motion that includes another line-item veto.

## NEVADA

Nothing to report.

## NEW HAMPSHIRE

### H.B. 1812 - E-Cigarettes

**Sponsor:** Representative Ellen Read (D)

**Summary:** This bill regulates e-liquids sold in New Hampshire by requiring certain labeling on the products. Specifically, this measure requires a manufacturer or distributor that sells, offers for sale, or distributes e-liquid products in New Hampshire to include on the label a list of ingredients in descending order in accordance with federal Food and Drug Administration guidelines for food.

The bill also prohibits certain ingredients in e-liquid products. Those prohibitions state that E-liquids sold in New Hampshire shall not contain diacetyl, acetyl propionyl, or acetoin or any substance known to be hazardous when inhaled in accordance with federal Food and Drug Administration guidelines.

[http://www.gencourt.state.nh.us/lsr\\_search/billText.aspx?id=1041&type=4](http://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=1041&type=4)

**Status:** Prefiled 9/7/2017. Converted; referred to House Commerce and Consumer Affairs Committee 12/14/2017. Introduced 1/3/2018. Hearing rescheduled 2/14/2018. Hearing Scheduled 2/20/2018.

**Outlook:** The February 14 hearing was rescheduled. This measure is now scheduled for a public hearing in the House Commerce and Consumer Affairs Committee February 20. Testimony will be allowed by the chair, Representative John Hunt (R).

This measure was previously a Legislative Service Request (L.S.R. 2028).

The sponsor is a member of the minority.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the Governor's Office. The Legislature meets annually and convenes on the first Wednesday after the first Tuesday in January. The Legislative session typically lasts five months. Bills retained in committee or bills laid on the table in the House at the end of a session in an odd-numbered year may be carried over to the following session in subsequent even-numbered year. Additionally, all bills not deemed inexpedient to legislate or laid on the table in the Senate may be carried over to the following session.

Upon introduction, a bill is referred to a committee. Committees are required to hear every bill referred to them. During a public hearing, members of the public may testify on the bill. After the hearing, legislators hold a work session to amend the bill if necessary. Once legislators are satisfied with the bill, an executive session is held to allow the committee to vote on a recommendation for the measure. Bills reported out of the committee as "inexpedient to legislate" are unlikely to receive further consideration. Once out of committee, bills in New Hampshire require three readings for final passage in each chamber. The bill may be debated and amended during the second and third readings. Non-germane amendments are only permitted if they have already been passed by the chamber and have received a public hearing.

The New Hampshire budget occurs on a biennial basis and contains policy and appropriations. The Legislature is not required to pass a balanced budget. Both the House and Senate produce

separate budgets and meet in a conference committee to resolve differences between the two versions. The budget is typically presented in two separate bills. The first will generally only contain appropriations. The second, known as the “implementer,” may contain policy changes. Both versions must pass the chamber to be considered during the conference committee. Once each chamber has passed its necessary budget bills, a conference committee will be called for further deliberation. After passage, the final budget is sent to the Governor for approval.

**Effective Date:** January 1, 2019

## NEW JERSEY

### A.B. 3178 - Flavored Products

**Sponsor:** Assemblymember Herbert Conaway (D)

**Summary:** This measure expands the prohibition on the sale or distribution of flavored cigarettes to include flavored electronic smoking devices.

[http://www.njleg.state.nj.us/2018/Bills/A3500/3178\\_I1.PDF](http://www.njleg.state.nj.us/2018/Bills/A3500/3178_I1.PDF)

**Status:** Filed 2/1/2018. Referred to Assembly Health and Senior Services Committee 2/8/2018.

**Outlook:** The full text of this measure was recently made available.

The measure was referred to the Assembly Health and Senior Services Committee, chaired by Assemblymember Herb Conaway (D).

This measure is a refile of 2016-2017 A.B. 3704. The measure was passed through the committee of referral but failed to receive further consideration in the Assembly.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

#### **State Outlook:**

The Democratic Party controls both chambers of the Legislature and the Governor's Office. New Jersey operates on a biennium and the Legislature meets annually. The legislative session lasts all year, with each two-year term beginning on the second Tuesday in even-numbered years. Bills left pending at the end of a session in an even-numbered year may be carried over to the following session in subsequent odd-numbered year. As the Legislature uses a two-year legislative session, measures may remain dormant for extended periods of time.

Upon introduction, a bill is typically referred to a committee. However, the Senate President or Assembly Speaker can send a bill directly to the second reading without committee review to speed up the process. Committees are not required to hear every bill referred to them. While not required for passage, most bills in New Jersey have companions in the opposite chamber with identical text. A bill may be substituted for its companion if that bill has already undergone the committee process in its chamber of origin. If the measure receives a hearing, members of the

public may testify on the bill and legislators may amend the measure. If the bill passes the committee, it is either referred to another committee or reported to the floor for a second reading, where it can be debated and amended. Bills in New Jersey require three readings for passage in each chamber. Amendments can only be added during the second reading, and the second and third readings cannot take place on the same day unless an emergency vote of three-fourths of the governing body's members is passed.

The New Jersey budget occurs on an annual basis and contains policy and appropriations. Companion budget bills are written and introduced by each chamber following the Governor's initial budget proposal. Normal committee procedures occur and both bills progress through the legislative process in their respective chambers. Once one of the measures has passed its chamber of origin, it may be substituted for its companion in the second chamber. If further deliberation is needed for the bill, a conference committee may be formed resolve differences. After passage, the final budget is sent to the Governor for approval.

### **A.B. 3181 - E-Cigarettes**

**Sponsor:** Assemblymember Herbert Conaway (D)

**Summary:** This measure prohibits the use of coupons, including online coupons, price reductions, including online promotional discount codes, and price rebates in connection with the sale or offer for sale of tobacco and vapor products to consumers at retail.

The penalty for violation of this measure is

- (a) \$250 fine for a first violation
- (b) \$500 fine for a second violation
- (c) \$1,000 fine for a third and all subsequent violations

And dealer found guilty of committing a violation would be subject to an additional administrative penalty or suspension of license following the second violation.

"Tobacco product" is defined to include cigarettes, smokeless tobacco, and tobacco in any other form;

"Vapor product" is defined to include electronic smoking devices and the vapor cartridges used in or with the devices.

[http://www.njleg.state.nj.us/2018/Bills/A3500/3181\\_11.PDF](http://www.njleg.state.nj.us/2018/Bills/A3500/3181_11.PDF)

**Status:** Filed 2/1/2018. Referred to the Assembly Health and Senior Services Committee 2/8/2018.

**Outlook:** The text of this measure was recently made available.

This measure was referred to the Assembly Health and Senior Services Committee, chaired by Assemblymember Herb Conaway (D).

This measure is a refile of 2016-2017 A.B. 4620. The measure was passed through the committee of referral but failed to receive further consideration in the Assembly.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

**State Outlook:**

The Democratic Party controls both chambers of the Legislature and the Governor's Office. New Jersey operates on a biennium and the Legislature meets annually. The legislative session lasts all year, with each two-year term beginning on the second Tuesday in even-numbered years. Bills left pending at the end of a session in an even-numbered year may be carried over to the following session in subsequent odd-numbered year. As the Legislature uses a two-year legislative session, measures may remain dormant for extended periods of time.

Upon introduction, a bill is typically referred to a committee. However, the Senate President or Assembly Speaker can send a bill directly to the second reading without committee review to speed up the process. Committees are not required to hear every bill referred to them. While not required for passage, most bills in New Jersey have companions in the opposite chamber with identical text. A bill may be substituted for its companion if that bill has already undergone the committee process in its chamber of origin. If the measure receives a hearing, members of the public may testify on the bill and legislators may amend the measure. If the bill passes the committee, it is either referred to another committee or reported to the floor for a second reading, where it can be debated and amended. Bills in New Jersey require three readings for passage in each chamber. Amendments can only be added during the second reading, and the second and third readings cannot take place on the same day unless an emergency vote of three-fourths of the governing body's members is passed.

The New Jersey budget occurs on an annual basis and contains policy and appropriations. Companion budget bills are written and introduced by each chamber following the Governor's initial budget proposal. Normal committee procedures occur and both bills progress through the legislative process in their respective chambers. Once one of the measures has passed its chamber of origin, it may be substituted for its companion in the second chamber. If further deliberation is needed for the bill, a conference committee may be formed resolve differences. After passage, the final budget is sent to the Governor for approval.

## NEW MEXICO

### H.B. 232 - Tobacco Taxes

**Sponsor:** Representative Elizabeth "Liz" Thomson (D)

**Summary:** This measure states that for the privilege of selling, giving or consuming cigarettes in New Mexico, there is levied an excise tax of \$.158 for each cigarette sold, given or consumed in this state.

This measure increases the tax imposed for the privilege of engaging in business to

manufacture, acquire or distribute tobacco products in the ordinary course of business and for the privilege of consuming tobacco products in New Mexico, from 25 percent to 76 percent of the product value of the tobacco products.

Additionally, this measure changes the following definitions:

"Qualifying tribal cigarette tax" means an excise, privilege or similar tax at a minimum rate of \$.1125 per cigarette if the cigarettes are packaged in lots of 20 or 25.

"Contraband cigarettes" means cigarette packages with counterfeit stamps, counterfeit cigarettes, cigarettes that have false or fraudulent manufacturing labels, cigarettes not sold in packages of 20 or 25, cigarette packages without the tax, tax-credit or tax-exempt stamps required by the Cigarette Tax Act and cigarettes produced by a manufacturer or in a brand family not included in the directory.

"Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device, including an e-cigarette, e-cigar, e-pipe, vape pen or hookah, and any:

(1) component, part or accessory of such a device, whether or not sold separately; or  
(2) substance intended to be aerosolized or vaporized during the use of the device; but "electronic smoking device" does not include any battery or battery charger when sold separately or drugs, devices or combination products as defined in the federal Food, Drug, and Cosmetic Act and as authorized for sale by the United States food and drug administration.

"Tobacco product" means:

(1) any product, other than cigarettes, made of or derived from tobacco and intended for human consumption or likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any means, including a cigar, pipe tobacco, chewing tobacco, snuff, snus or an electronic smoking device; and  
(2) any component or accessory used to consume a tobacco product, including filters, rolling papers, pipes or liquids used in electronic smoking devices, but not including drugs, devices or combination products as defined in the federal Food, Drug, and Cosmetic Act and as authorized for sale by the United States food and drug administration.

<https://www.nmlegis.gov/Sessions/18%20Regular/bills/house/HB0232.pdf>

**Status:** Introduced 1/26/2018. Failed upon adjournment 2/15/2018.

**State Outlook:** The Democratic Party controls the House of Representatives and the Senate, while the Republican Party controls the Governor's Office. During even-numbered years, the Legislature is in session for 30 days, while in odd numbered years, the Legislature yields a 60-day session. Legislation moves quickly given the short legislative session. In even-numbered years, the Legislature is limited to dealing with budgetary matters, bills that deal with issues raised by special messages of the Governor and bills vetoed in the previous session by the Governor. Legislation is not eligible for carryover from one session to the next.

Only legislators may introduce a bill. Bills may be prefiled a month before session starts or introduced during session. With few exceptions, bills must be introduced by the halfway mark of a session. Upon introduction, a bill is referred to one or more committees. However, committees are not required to hear every bill referred to them. If the measure receives a public hearing, members of the public may testify on the bill and legislators may amend or substitute the

measure. If the bill passes the committee, it is reported to the floor for a second reading, where it can be debated and amended. Bills in New Mexico require three readings for final passage in each chamber and may be amended on third reading. Amendments must be germane to the bill.

New Mexico's budget process occurs on an annual basis and only contains appropriations. After the Governor submits a budget to the Legislature, the House Appropriations and Ways and Means Committees and Senate Finance Committee review and consider the budget before sending it to the House and Senate for passage. A simple majority is required to pass a budget in both chambers.

**Effective Date:** July 1, 2018

## **S.B. 25 - Tobacco Taxes**

**Sponsor:** Senator Howie Morales (D)

**Summary:** This legislation increases the following taxes on tobacco products:

- (a) \$0.158 if the cigarettes are packaged in lots of 20 or 25;
- (b) \$0.316 if the cigarettes are packaged in lots of 10; or
- (c) \$0.632 if the cigarettes are packaged in lots of 5.

Defines "tobacco product" as any product, other than cigarettes, made of or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including cigars, chewing tobacco, e-cigarettes, pipe tobacco or snuff; and any component, part or accessory used to consume tobacco but does not include any product that has been approved by the United States food and drug administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved use.

Defines "e-cigarette" as any electronic oral device that can be used to provide a vapor or aerosol of nicotine or any other substance to the person inhaling from the device; and includes any such device, or any part thereof, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor.

Sets percentages of distribution for general school fund from revenue garnered from the cigarette tax.

<https://www.nmlegis.gov/Sessions/18%20Regular/bills/senate/SB0025.pdf>

**Status:** Prefiled 12/18/2017. Introduced 1/16/2018. Referred to Senate Education Committee 1/18/2018. Hearing held; passed committee; referred to Senate Corporations and Transportation Committee 1/24/2018. Hearing held 2/2/2018. Hearing held 2/7/2018. Failed upon adjournment 2/15/2018.

**State Outlook:** The Democratic Party controls the House of Representatives and the Senate,

while the Republican Party controls the Governor's Office. During even-numbered years, the Legislature is in session for 30 days, while in odd numbered years, the Legislature yields a 60-day session. Legislation moves quickly given the short legislative session. In even-numbered years, the Legislature is limited to dealing with budgetary matters, bills that deal with issues raised by special messages of the Governor and bills vetoed in the previous session by the Governor. Legislation is not eligible for carryover from one session to the next.

Only legislators may introduce a bill. Bills may be prefiled a month before session starts or introduced during session. With few exceptions, bills must be introduced by the halfway mark of a session. Upon introduction, a bill is referred to one or more committees. However, committees are not required to hear every bill referred to them. If the measure receives a public hearing, members of the public may testify on the bill and legislators may amend or substitute the measure. If the bill passes the committee, it is reported to the floor for a second reading, where it can be debated and amended. Bills in New Mexico require three readings for final passage in each chamber and may be amended on third reading. Amendments must be germane to the bill.

New Mexico's budget process occurs on an annual basis and only contains appropriations. After the Governor submits a budget to the Legislature, the House Appropriations and Ways and Means Committees and Senate Finance Committee review and consider the budget before sending it to the House and Senate for passage. A simple majority is required to pass a budget in both chambers.

## **S.B. 60 - E-Cigarettes, Tobacco Age Restrictions**

**Sponsor:** Senator Cisco McSorley (D)

**Summary:** This measure increases the age of purchase for tobacco products to 21 years of age.

"Tobacco product" means:

- (1) any product made of or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including cigars, cigarettes, chewing tobacco, e-cigarettes, pipe tobacco or snuff and
- (2) any component, part or accessory used to consume tobacco but does not include any product that has been approved by the United States food and drug administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved use.

<https://www.nmlegis.gov/Sessions/18%20Regular/bills/senate/SB0060.pdf>

**Status:** Prefiled 1/4/2018. Introduced 1/16/2018. Referred to Senate Committees' Committee; Senate Public Affairs Committee; Senate Judiciary Committee 1/17/2018. Failed upon adjournment 2/15/2018.

**State Outlook:** The Democratic Party controls the House of Representatives and the Senate, while the Republican Party controls the Governor's Office. During even-numbered years, the

Legislature is in session for 30 days, while in odd numbered years, the Legislature yields a 60-day session. Legislation moves quickly given the short legislative session. In even-numbered years, the Legislature is limited to dealing with budgetary matters, bills that deal with issues raised by special messages of the Governor and bills vetoed in the previous session by the Governor. Legislation is not eligible for carryover from one session to the next.

Only legislators may introduce a bill. Bills may be prefiled a month before session starts or introduced during session. With few exceptions, bills must be introduced by the halfway mark of a session. Upon introduction, a bill is referred to one or more committees. However, committees are not required to hear every bill referred to them. If the measure receives a public hearing, members of the public may testify on the bill and legislators may amend or substitute the measure. If the bill passes the committee, it is reported to the floor for a second reading, where it can be debated and amended. Bills in New Mexico require three readings for final passage in each chamber and may be amended on third reading. Amendments must be germane to the bill.

New Mexico's budget process occurs on an annual basis and only contains appropriations. After the Governor submits a budget to the Legislature, the House Appropriations and Ways and Means Committees and Senate Finance Committee review and consider the budget before sending it to the House and Senate for passage. A simple majority is required to pass a budget in both chambers.

## **NEW YORK**

### **A.B. 9509 - E-Cigarettes, Tobacco Taxes**

**Sponsor:** NY Assembly Budget Bill

**Summary:** Current version (2/16/2018): This measure is the Revenue Budget Bill.

#### **Tax on vapor products. (page 50)**

More specifically, this measure states that tax on tobacco products other than snuff, little cigars and vapor products shall be at the rate of seventy-five percent of the wholesale price, and is intended to be imposed only once upon the sale of any tobacco products other than snuff, little cigars and vapor products.

Furthermore, such tax on vapor products shall be at a rate of ten cents per fluid milliliter, or part thereof, of the vapor product. All invoices for vapor products issued by distributors and wholesalers must state the amount of vapor product in milliliters.

This measure imposes a tax on all tobacco products used in the state by any person, except that no such tax shall be imposed if the tax provided in section four hundred seventy-one-b of this article is paid, or on the use of two hundred fifty cigars or less, five pounds or less of tobacco other than roll-your-own tobacco, thirty-six ounces or less of roll-your-own tobacco or five hundred milliliters or less of vapor product brought into the state on, or in the possession of, any person.

This measure states that tax on tobacco products other than snuff, little cigars and vapor

products shall be at the rate of seventy-five percent of the wholesale price.

This measure also states that tax on vapor products shall be at a rate of ten cents per fluid milliliter of the vapor product. All invoices for vapor products issued by distributors and wholesalers must state the amount of vapor product in milliliters.

This measure defines Tobacco products " as any cigar, including little cigars, vapor products, or tobacco, other than cigarettes, intended for consumption by smoking, chewing, inhaling vapors or as snuff.

This measure defines "Distributor" as any person who imports or causes to be imported into this state any tobacco product (in excess of fifty cigars, one pound of tobacco or one hundred milliliters of vapor product) for sale, or who manufactures any tobacco product in this state, and any person within or without the state who is authorized by the commissioner of taxation and finance to make returns and pay the tax on tobacco products sold, shipped or delivered by him to any person in the state.

This measure defines "Vapor product" as any noncombustible liquid or gel, regardless of the presence of nicotine therein, that is manufactured into a finished product for use in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaping pen, hookah pen or other similar device. This measure defines "Vapor product" to not include any product approved by the United States food and drug administration as a drug or medical device, or approved for use pursuant to section three thirty-three hundred sixty-two of the public health law.

This measure would take effect September 1, 2018 and would apply to sales made or uses occurring after that date.

**Definition of "wholesale price" (page 36)**

This measure defines "wholesale price" as the invoice price for which a manufacturer or other person sells tobacco products to a distributor, including the federal excise taxes paid by the manufacturer or other person, before the allowance of any discount, trade allowance, rebate or other reduction.

This measure removes language that states that In the absence of such an established price, a manufacturer's invoice price of any tobacco product shall be presumptive evidence of the wholesale price of such tobacco product, and in its absence the price at which such tobacco products were purchased shall be presumed to be the wholesale price, unless evidence of a lower wholesale price shall be established or any industry standard of markups relating to the purchase price in relation to the wholesale price shall be established.

This act shall take effect on September 1, 2018 and shall apply to all tobacco products possessed in this state for sale on or after such date.evidence of a lower wholesale price shall be established or any industry standard of markups relating to the purchase price in relation to the wholesale price shall be established.

Current version (2/16/2018): <http://legislation.nysenate.gov/pdf/bills/2017/A9509A>

Introduced version: <http://legislation.nysenate.gov/pdf/bills/2017/A9509>

**Provision Outlook:** During the February 8 hearing, the Joint Legislative Budget Committee heard testimony on this measure.

The New York Association of Convenient Stores testified against all of the provisions related to tobacco. More specifically:

The NYACS stated that if the State of New York truly wishes to "improve cigar tax enforcement," it should start with Native American enterprises that sell cigars without collecting any state excise tax or sales tax whatsoever, and online vendors who flood New York with tax-free mail-order cigars to the detriment of tax-collecting retailer, the state treasury, and public health.

The NYACS states that while the vaping products tax in part BB is modest, future legislatures would be unable to resist incrementally elevating it until it's so high it creates a vast black market rivaling that for combustible cigarettes - diverting business away from tax-collecting convenience stores, depriving the state and localities of legitimate tax revenue, and thwarting public health policy objectives.

NYACS Testimony

(2/8/2018): <http://nyassembly.gov/write/upload/publichearing/000863/001547.pdf>

**Status:** Introduced; referred to Joint Legislative Budget Committee 1/18/2018. Hearing held 2/8/2018. Amended 2/16/2018.

**Outlook:** This measure was amended on February 16. The changes that are relevant to your issue scope are included in the provision outlook of your summary. A timeline for further consideration has not yet been established.

During the February 8 hearing, the Joint Legislative Budget Committee heard testimony on this measure. Testimony that is relevant to your issue scope is included in the provision outlook of your summary. No vote was taken on the measure.

This measure is the Fiscal Year 2019 Revenue Budget Bill.

This measure has been referred to the Joint Legislative Budget Committee, chaired by Senator Catharine Young (R) and Assemblymember Helene Weinstein (D).

This measure was introduced on behalf of Governor Andrew Cuomo (D).

**State Outlook:** The Democratic Party controls the Assembly as well as the Governor's Office, and the Senate is controlled by a coalition of the Republican Party and the Independent Democratic Conference (IDC). The Legislature convenes on the Wednesday after the first Monday in January and usually adjourns towards the end of June; however, members can be called back at any time. When a bill is introduced, it may be referred to a committee. Committees are not required to hear every bill referred to them. However, legislators are permitted to submit requests for consideration that would require the committee to formally vote on the measure. New York utilizes companion bills in the opposite chamber that contain identical text to expedite the legislative process. A bill may be substituted for its companion in the opposite chamber if that bill has already undergone the committee process in its chamber of origin, although having a companion is not necessary for passage. Any bill that requires an expenditure of state funds must go to the Assembly Ways and Means Committee or the Senate Finance Committee. When the Speaker of the Assembly and the Senate President both co-sponsor a bill, it is extremely likely to be approved by the Governor.

If the measure receives a public hearing, members of the public may testify on the bill, and legislators may amend or substitute the measure. All meetings are open to the public, although the committee can elect to hold an executive session to discuss measures in private by a simple majority vote. The Senate is permitted to vote on bills during an executive session, but the Assembly is not. Bills are read for the second time after being reported out of committee. After second reading, bills are placed on third reading the following legislative day. Bills in New York require three readings for final passage in each chamber. Bills may be amended on any reading as long as the amendments are germane to the original bill. A common method of killing a bill is to amend it by striking the enacting clause. The Governor has the power to issue a “message of necessity” which allows legislation to forego the three-day aging period and be brought to an immediate vote.

New York’s budget process occurs on an annual basis and contains policy and appropriations. The Governor sends a balanced proposal in the form of various appropriations bills. The proposal and appropriations bills are considered in the Senate Finance Committee and the Assembly Ways and Means Committee, and hearings are held in subcommittees with different jurisdictions over the budget. Once both chambers passed their own respective budget bills, a conference committee is appointed to resolve the differences between the two versions. After passage, the final budget is sent to the Governor for approval.

**Companion Bill:** 2018 S.B. 7509

**Effective Date:** Varies by section

## **S.B. 7509 - E-Cigarettes, Tobacco Taxes**

**Sponsor:** NY Senate Budget Bill

### **Summary: Tax on vapor products. (page 50)**

More specifically, this measure states that tax on tobacco products other than snuff, little cigars and vapor products shall be at the rate of seventy-five percent of the wholesale price, and is intended to be imposed only once upon the sale of any tobacco products other than snuff, little cigars and vapor products.

Furthermore, such tax on vapor products shall be at a rate of ten cents per fluid milliliter, or part thereof, of the vapor product. All invoices for vapor products issued by distributors and wholesalers must state the amount of vapor product in milliliters.

This measure imposes a tax on all tobacco products used in the state by any person, except that no such tax shall be imposed if the tax provided in section four hundred seventy-one-b of this article is paid, or on the use of two hundred fifty cigars or less, five pounds or less of tobacco other than roll-your-own tobacco, thirty-six ounces or less of roll-your-own tobacco or five hundred milliliters or less of vapor product brought into the state on, or in the possession of, any person.

This measure states that tax on tobacco products other than snuff, little cigars and vapor products shall be at the rate of seventy-five percent of the wholesale price.

This measure also states that tax on vapor products shall be at a rate of ten cents per fluid milliliter of the vapor product. All invoices for vapor products issued by distributors and wholesalers must state the amount of vapor product in milliliters.

This measure defines Tobacco products " as any cigar, including little cigars, vapor products, or tobacco, other than cigarettes, intended for consumption by smoking, chewing, inhaling vapors or as snuff.

This measure defines "Distributor" as any person who imports or causes to be imported into this state any tobacco product (in excess of fifty cigars, one pound of tobacco or one hundred milliliters of vapor product) for sale, or who manufactures any tobacco product in this state, and any person within or without the state who is authorized by the commissioner of taxation and finance to make returns and pay the tax on tobacco products sold, shipped or delivered by him to any person in the state.

This measure defines "Vapor product" as any noncombustible liquid or gel, regardless of the presence of nicotine therein, that is manufactured into a finished product for use in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaping pen, hookah pen or other similar device. This measure defines "Vapor product" to not include any product approved by the United States food and drug administration as a drug or medical device, or approved for use pursuant to section three thirty-three hundred sixty-two of the public health law.

This measure would take effect September 1, 2018 and would apply to sales made or uses occurring after that date.

**Definition of "wholesale price"** (page 37)

This measure defines "wholesale price" as the invoice price for which a manufacturer or other person sells tobacco products to a distributor, including the federal excise taxes paid by the manufacturer or other person, before the allowance of any discount, trade allowance, rebate or other reduction.

This measure removes language that states that In the absence of such an established price, a manufacturer's invoice price of any tobacco product shall be presumptive evidence of the wholesale price of such tobacco product, and in its absence the price at which such tobacco products were purchased shall be presumed to be the wholesale price, unless evidence of a lower wholesale price shall be established or any industry standard of markups relating to the purchase price in relation to the wholesale price shall be established.

This act shall take effect on September 1, 2018 and shall apply to all tobacco products possessed in this state for sale on or after such date.evidence of a lower wholesale price shall be established or any industry standard of markups relating to the purchase price in relation to the wholesale price shall be established.

<http://legislation.nysenate.gov/pdf/bills/2017/S7509>

**Status:** Introduced; referred to Joint Legislative Budget Committee 1/18/2018. Hearing held 2/8/2018.

**Outlook:** During the February 8 hearing, the Joint Legislative Budget Committee heard testimony on this measure. Testimony that is relevant to your issue scope is included in the

provision outlook of your summary. No vote was taken on the measure. A timeline for further consideration has not yet been established.

This measure is the Fiscal Year 2019 Revenue Budget Bill.

This measure has been referred to the Joint Legislative Budget Committee, chaired by Senator Catharine Young (R) and Assemblymember Helene Weinstein (D).

This measure was introduced on behalf of Governor Andrew Cuomo (D).

**State Outlook:** The Democratic Party controls the Assembly as well as the Governor's Office, and the Senate is controlled by a coalition of the Republican Party and the Independent Democratic Conference (IDC). The Legislature convenes on the Wednesday after the first Monday in January and usually adjourns towards the end of June; however, members can be called back at any time. When a bill is introduced, it may be referred to a committee. Committees are not required to hear every bill referred to them. However, legislators are permitted to submit requests for consideration that would require the committee to formally vote on the measure. New York utilizes companion bills in the opposite chamber that contain identical text to expedite the legislative process. A bill may be substituted for its companion in the opposite chamber if that bill has already undergone the committee process in its chamber of origin, although having a companion is not necessary for passage. Any bill that requires an expenditure of state funds must go to the Assembly Ways and Means Committee or the Senate Finance Committee. When the Speaker of the Assembly and the Senate President both co-sponsor a bill, it is extremely likely to be approved by the Governor.

If the measure receives a public hearing, members of the public may testify on the bill, and legislators may amend or substitute the measure. All meetings are open to the public, although the committee can elect to hold an executive session to discuss measures in private by a simple majority vote. The Senate is permitted to vote on bills during an executive session, but the Assembly is not. Bills are read for the second time after being reported out of committee. After second reading, bills are placed on third reading the following legislative day. Bills in New York require three readings for final passage in each chamber. Bills may be amended on any reading as long as the amendments are germane to the original bill. A common method of killing a bill is to amend it by striking the enacting clause. The Governor has the power to issue a "message of necessity" which allows legislation to forego the three-day aging period and be brought to an immediate vote.

New York's budget process occurs on an annual basis and contains policy and appropriations. The Governor sends a balanced proposal in the form of various appropriations bills. The proposal and appropriations bills are considered in the Senate Finance Committee and the Assembly Ways and Means Committee, and hearings are held in subcommittees with different jurisdictions over the budget. Once both chambers passed their own respective budget bills, a conference committee is appointed to resolve the differences between the two versions. After passage, the final budget is sent to the Governor for approval.

**Companion Bill:** 2018 A.B. 9509

**Effective Date:** Varies by section

## H.B. 2511 - Exotic Materials

**Sponsor:** Representative Tess Teague (R)

**Summary:** This measure prohibits the sale or purchase of ivory or ivory products.

"Ivory" means any tooth or tusk composed of ivory from any animal, including, but not limited to, an elephant, hippopotamus, mammoth, narwhal, walrus, or whale, or any piece thereof, whether raw ivory or worked ivory, or made into, or part of, an ivory product.

"Ivory product" means any item that contains, or that is wholly or partially made from, any ivory.

"Raw ivory" means any ivory the surface of which, polished or unpolished, is unaltered or minimally changed by carving.

"Total value of the ivory and ivory products" means the fair market value of the ivory and ivory products, or the actual price paid for the ivory and ivory products, whichever is greater.

"Worked ivory" means ivory that has been embellished, carved, marked or otherwise altered so that it can no longer be considered raw ivory.

[http://webserver1.lsb.state.ok.us/cf\\_pdf/2017-18%20INT/hB/HB2511%20INT.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20INT/hB/HB2511%20INT.PDF)

**Status:** Filed 12/19/2017. Introduced 2/5/2018. Referred to House Wildlife Committee 2/6/2018. Hearing scheduled 2/13/2018.

**Outlook:** This measure will be heard February 13. The hearing will be open to the public and testimony will be accepted at the discretion of the Chair, Representative Jeff Coody (R). A vote may occur at the discretion of the Chair.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors. The bill text for this measure has been recently made available.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the Governor's Office. The Oklahoma legislature lasts two years, beginning in odd-numbered years. Regular sessions convene on the first Monday in February of each year and adjourn on the last Friday in May. Bills left pending at the end of session in an odd-numbered year may be carried over to the following session in the subsequent even-numbered year.

At the beginning of session, the House frequently uses shell bill. Shell bills have little or no substantive language and serve as a placeholder for legislative proposals to be amended into the measure at a later date. Shell bills are generally assigned to the Rules Committee and cannot be heard in a policy committee until substantive language is added as a committee substitute. All bills in Oklahoma are referred to a committee upon their second reading. Committees are not required to hear every bill referred to them. Once a report is made by the committee, the bill is debated by the whole chamber and given a deciding vote upon its third reading. Bills in Oklahoma require three readings for final passage in each chamber.

The Oklahoma budget occurs on an annual basis and only contains appropriations. The

Governor proposes an executive budget on the first day of each legislative session, which the Legislature considers when developing its own independent budget. Between February and late-April, the House and Senate Appropriations Committees meet to review each agency's budget requests. In May, the Committees determine the budgets for the following year and pass a general appropriations bill. According to the Oklahoma Constitution, no revenue bill may be passed during the last five days of the legislative session. Additionally, revenue bills cannot become law without a three-fourths vote of the Legislature.

## NORTH CAROLINA

Nothing to report.

## NORTH DAKOTA

Nothing to report.

## OHIO

Nothing to report.

## OKLAHOMA

### H.B. 1033xx - Tobacco Taxes

**Sponsor:** Representative Kevin Wallace (R)

**Summary:** Current version (2/8/2018): This measure increases the tax on cigarettes by \$1.50 a pack. (page 3 line 13)

This measure establishes the tax on little cigars must be equal to the tax on such products that is reported and paid as cigarette tax. (page 6, line 17)

The measure adds an additional 10% tax on chewing tobacco. (page 18, line 8)

Current version (2/8/2018):[http://webserver1.lsb.state.ok.us/cf\\_pdf/2017-18%20COMMITTEE%20AMENDMENTS/House/HB1033XX%20FULLPCS1%20KEVIN%20WALLACE-JM.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20COMMITTEE%20AMENDMENTS/House/HB1033XX%20FULLPCS1%20KEVIN%20WALLACE-JM.PDF)

Introduced version: [http://webserver1.lsb.state.ok.us/cf\\_pdf/2017-18%20INT/hB/HB1033XX%20INT.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20INT/hB/HB1033XX%20INT.PDF)

**Status:** Introduced 2/5/2018. Referred to Joint Committee on Appropriations and Budget 2/6/2018. Hearing held 2/7/2018. Hearing held; substituted; passed committee 2/8/2018. Failed House 2/12/2018.

**Outlook:** This measure failed to pass the House on February 12 by a vote of 63-35. In Oklahoma, an appropriations measure needs a 3/4's majority vote to pass. The measure is

eligible for consideration in the Senate. If the measure passes through the Senate it would go on 2018 ballot as a ballot measure. According to sources, the Senate will not take up the measure because the measure would be ballot measure for the 2018 election, which is too late to fix the budget hole.

At the February 8 hearing in the Joint Committee on Appropriations and Budget, this measure was substituted and passed by a 21-5 vote. The substitution does not make any changes on the previous provisions.

This measure has two "xx" to denote that it is a part of Oklahoma's second special session.

The sponsor is a member of the majority party. This measure has garnered the support of co-sponsors.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the Governor's Office. The Oklahoma legislature lasts two years, beginning in odd-numbered years. Regular sessions convene on the first Monday in February of each year and adjourn on the last Friday in May. Bills left pending at the end of session in an odd-numbered year may be carried over to the following session in the subsequent even-numbered year.

At the beginning of session, the House frequently uses shell bill. Shell bills have little or no substantive language and serve as a placeholder for legislative proposals to be amended into the measure at a later date. Shell bills are generally assigned to the Rules Committee and cannot be heard in a policy committee until substantive language is added as a committee substitute. All bills in Oklahoma are referred to a committee upon their second reading. Committees are not required to hear every bill referred to them. Once a report is made by the committee, the bill is debated by the whole chamber and given a deciding vote upon its third reading. Bills in Oklahoma require three readings for final passage in each chamber.

The Oklahoma budget occurs on an annual basis and only contains appropriations. The Governor proposes an executive budget on the first day of each legislative session, which the Legislature considers when developing its own independent budget. Between February and late-April, the House and Senate Appropriations Committees meet to review each agency's budget requests. In May, the Committees determine the budgets for the following year and pass a general appropriations bill. According to the Oklahoma Constitution, no revenue bill may be passed during the last five days of the legislative session. Additionally, revenue bills cannot become law without a three-fourths vote of the Legislature.

## OREGON

Nothing to report.

## PENNSYLVANIA

Nothing to report.

## RHODE ISLAND

### H.B. 7200 - E-Cigarettes, OTP Stamping, Tobacco Taxes

**Sponsor:** Representative Marvin Abney (D)

#### **Summary: ARTICLE 4: Relating to Taxes and Revenue**

This measure states that tax is imposed on all other tobacco products, smokeless tobacco, cigars, electronic cigarettes, and pipe tobacco products sold, or held for sale in the state by any person, the payment of the tax to be accomplished according to a mechanism established by the administrator, division of taxation, department of revenue.

#### **Definitions of E-cigarettes (page 123-124)**

This measure defines "electronic cigarette" as a:

- 1) personal vaporizer, electronic nicotine delivery system or an electronic inhaler which generally utilizes a heating element that vaporizes a liquid solution containing nicotine or nicotine derivative;
- 2) the liquid solution containing nicotine or nicotine derivative; or
- 3) any combination thereof.

This measure also includes "electronic cigarette" into the definition of "other tobacco products."

#### **Cigarettee Taxation (page 126)**

This measure increases the tax rate to 225 mills for each cigarette.

This measure also imposes a tax at the rate of 225 mills for each cigarette upon the storage or use within this state of any cigarettes not stamped in accordance with the provisions of this chapter in the possession of any consumer within this state.

#### **Tobacco Taxation (page 125)**

This measure states that notwithstanding the 80% rate in subsection (a) of 44-20-13.2, and in the case of cigars, the tax shall not exceed \$.80 for each cigar.

#### **Tobacco Stamps (page 126)**

This measure states that each person engaging in the business of selling cigarettes at retail in this state shall pay a tax or excise to the state for the privilege of engaging in that business during any part of the calendar year 2018. In calendar year 2018, the tax shall be measured by the number of cigarettes held by the person in this state at 12:01 a.m. on August 1, 2018 and is computed at the rate thirty seven and one-half (37.5) mills for each cigarette on August 1, 2018.

This measure states that each distributor licensed to do business in this state pursuant to this chapter shall pay a tax or excise to the state for the privilege of engaging in that business during any part of the calendar year 2018. The tax is measured by the number of stamps, whether affixed or to be affixed to packages of cigarettes, as required by § 44-20-28. In calendar year 2018 the tax is measured by the number of stamps, whether affixed or to be affixed, held by the distributor at 12:01 a.m. on August 1, 2018, and is computed at the rate of thirty-seven and one-half mills per cigarette in the package to which the stamps are affixed or to be affixed.

Furthermore, each person subject to the payment of the tax imposed by this section shall, on or before August 15, 2018, file a return, under oath or certified under the penalties of perjury, with

the tax administrator on forms furnished by him or her, showing the amount of cigarettes and the number of stamps in that person's possession in this state at 12:01 a.m. on August 1, 2018, as described in this section above, and the amount of tax due, and shall at the time of filing the return pay the tax to the tax administrator. Failure to obtain forms shall not be an excuse for the failure to make a return containing the information required by the tax administrator.

<http://webserver.rilin.state.ri.us/BillText18/HouseText18/H7200.pdf>

**Status:** Introduced; referred to House Finance Committee 1/18/2018. Hearing held 2/6/2018. Hearing held 2/7/2018. Hearing held 2/8/2018. Hearing held 2/13/2018. Hearing held 2/14/2018. Hearing Scheduled 2/15/2018.

**Outlook:** During the February 14 hearing, the House Finance Committee accepted testimony on Article 5, relating to the Capital Development Program, and Article 16 relating to the Public Debt Management Act Resolution. A hearing has been scheduled February 15 in the Senate Finance Committee. Budget hearings in Rhode Island are typically scheduled at the last moment. This hearing will be open to the public and testimony will be accepted at the discretion of the Chair. During the hearing, testimony will be accepted on Article 2, relating to the state funds, Article 3 relating to Government Reform, and Article 7 relating to the fees for claims adjuster licenses and securities fees.

The measure is the Budget Bill for the 2018 Session.

This measure has been referred to the House Finance Committee, chaired by the sponsor.

This measure has been filed on behalf of Governor Gina Raimondo (D).

**State Outlook:** The Democratic Party controls the House of Representatives and the Senate, as well as the Governor's Office. Rhode Island convenes the first Tuesday in January every year and usually recesses towards the end of June. Rhode Island does not officially adjourn until just before the next session starts, but bills do not typically move during recess.

Upon introduction, a bill may be referred to a committee. During the first committee hearing, members of the public may testify on the bill and legislators may amend the measure. The second committee hearing is reserved for a vote. Before a bill can be amended, the amendment must be made available and read to the whole chamber. Amendment text is generally released to the public after a bill is voted on in committee or on the floor. If there are differences between the House and Senate versions of the bill, a conference committee is appointed, made up of members appointed by the Senate President and Speaker of the House, to resolve differences. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to the Governor for action.

Rhode Island's budget occurs on an annual basis and contains policy and appropriations. Once both chambers have passed the budget bill a conference committee is appointed to resolve the differences and draft a final version for approval in both chambers. After passage, the final budget is sent to the Governor for approval.

**Effective Date:** July 1, 2018

## SOUTH CAROLINA

Nothing to report.

## SOUTH DAKOTA

Nothing to report.

## TENNESSEE

Nothing to report.

## TEXAS

Nothing to report.

## UTAH

### H.B. 88 - E-Cigarettes, Retail Licensing

**Sponsor:** Representative Paul Ray (R)

**Summary:** This measure enacts and amends provisions relating to electronic cigarette products, alternative nicotine products, and non therapeutic nicotine products. The measure adds the definitions "Electronic Cigarettes" and "Other Nicotine Products" to civil penalties for selling to underage persons. The measure establishes the department or a local health department may not enact a rule or regulation regarding labeling, nicotine content, packaging, or product quality for an alternative nicotine product or a non therapeutic nicotine product that conflicts with a regulation by the United States Food and Drug Administration.

This measure establishes a tax levied on an electronic cigarette substance, prefilled electronic cigarette. The measure requires that beginning on Jul 1, 2019 a tax levied .86 multiplied by the manufacturer's sales price on alternative nicotine product, non therapeutic nicotine device substance, and prefilled nicotine device.

The measure requires the manufacturer, jobber, distributor, wholesaler, retailer, consumer, or user that collects the tax imposed on an electronic cigarette substance, a prefilled electronic cigarette, an alternative nicotine product, a non therapeutic nicotine device substance, or a prefilled non therapeutic nicotine device must remit to the commission, in an electronic format approved by the commission the tax collected in the previous calendar quarter and the quarterly tax return. The measure requires tax collected and the return are due on or before the last day of April, July, October, and January.

"Alternative nicotine product" means a product, other than a cigarette, a counterfeit cigarette, an electronic cigarette product, a non therapeutic nicotine product, or a tobacco product, that:

- (i) Contains nicotine.
- (ii) Is intended for human consumption.

(iii) Is not purchased with a prescription from a licensed physician.

(iv) Is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

"Alternative nicotine product" includes: pure nicotine, snortable nicotine, dissolvable orbs, pellets, sticks, or strips, nicotine-laced food and beverage. "Alternative nicotine product" does not include a fruit, a vegetable, or a tea that contains naturally occurring nicotine.

"Electronic cigarette" means an electronic device used to deliver or capable of delivering vapor containing nicotine to an individual's respiratory system, a component of the device, an accessory sold in the same package as the device.

"Manufacturer sealed alternative nicotine product" means an alternative nicotine product that is prefilled by the alternative nicotine product manufacturer and the alternative nicotine product manufacturer does not intend for a consumer to open.

"Prefilled electronic cigarette" means an electronic cigarette that is sold prefilled with an electronic cigarette substance.

"Prefilled non therapeutic nicotine device" means a non therapeutic nicotine device that is sold prefilled with a non therapeutic nicotine device substance.

"Youth electronic cigarette and other nicotine product cessation program" means a program that:

(a) Helps individuals under the age of 19 to quit using tobacco, electronic cigarette products, alternative nicotine products, and non therapeutic nicotine products.

(b) Is certified as a Model Program by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services.

<https://le.utah.gov/~2018/bills/hbillint/HB0088.pdf>

**Status:** Filed 12/19/2017. Introduced; referred to House Revenue and Taxation Committee 1/22/2018. Hearing held; not considered 1/23/2018. Hearing scheduled 2/20/2018.

**Outlook:** This measure is scheduled to be heard February 20. Hearings are generally scheduled multiple days, but may be revised up to 24 hours in advance. The hearing will be open to the public and all forms of testimony will be accepted at the discretion of the Chair, Representative Steve Eliason (R). A vote may occur at the discretion of the Chair, however the Chair may opt to defer the measure for additional hearings and do so frequently. Archived video of the proceedings is available following the hearing.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the Governor's Office. The legislative session lasts 60 days, so measures move quickly. Legislation is not eligible for carryover between sessions.

Upon introduction, a bill is referred to a committee. However, committees are required to hear every bill referred to them. By rule, public hearings must be announced at least 24 hours before the meeting. During a public hearing, members of the public may testify on the bill and legislators may amend or substitute the measure. Substitutes and amendments must be germane to the bill. If the bill passes the committee, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Utah require three readings for final passage in each chamber. In Utah, bills are required to have a floor sponsor for introduction in the opposite chamber. The original sponsor must designate a floor sponsor before the bill is transferred to the second chamber. If there are differences between the House and Senate versions of the bill, a conference committee is appointed to resolve differences. Members of the conference committees are appointed by the Speaker of the House and Senate President. The number of members appointed varies by measure. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to the Governor for action.

The Utah budget process occurs on an annual basis and only contains appropriations. The Governor's recommended budget is heard in the Joint Appropriations Committee. In January and February, the Joint Appropriations subcommittees hold hearings and review recommendations from the Legislative Fiscal Analyst to prepare a report for the Executive Appropriations Committee, which makes final decisions to balance the budget. After the bill moves out of the Appropriations Committee, the Legislature debates the bill and votes on final passage. After passage, the final budget is sent to the Governor for approval. The budget is made up of multiple bills, including the base budget, which funds state agencies with the same budget as the current fiscal year but with one-time funding removed, as well as the new fiscal year supplemental, which adds to and takes away from the base budget. The Appropriations Adjustments funds each bill passed with a fiscal note and is typically the last bill passed.

**Effective Date:** July 1, 2018

### **H.B. 324 - Self-Service Display, Tobacco (Labeling/Packaging)**

**Sponsor:** Representative Bradley Last (R)

**Summary:** This measure amends municipal and county business license practices for a retail tobacco specialty business. The measure requires a tobacco retailer to obtain a permit from the local health department.

The measure establishes the standards that a local health department shall apply when determining whether to issue a permit to a tobacco retailer.

The measure makes changes the fee provisions for certain tax commission licenses for cigarettes, tobacco products, and electronic cigarette products.

(i) \$30 for a new permit

(ii) \$20 for a permit renewal

(iii) \$30 for reinstatement of a permit that has been revoked, suspended, or allowed to expire.

"Retail tobacco specialty business" means a commercial establishment in which:

(i) The name of the business evidences the business as a retail tobacco specialty business.

(ii) 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products.

(iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products.

(iv) The retail space features a self-service display for tobacco products.

<https://le.utah.gov/~2018/bills/hbillint/HB0324.pdf>

**Status:** Introduced 2/5/2018. Referred to House Business and Labor Standing Committee 2/15/2018. Hearing scheduled 2/20/2018.

**Outlook:** This measure is scheduled to be heard February 20. Hearings are generally scheduled multiple days, but may be revised up to 24 hours in advance. The hearing will be open to the public and all forms of testimony will be accepted at the discretion of the Chair, Representative James Dunnigan (R). A vote may occur at the discretion of the Chair, however the Chair may opt to defer the measure for additional hearings and do so frequently. Archived video of the proceedings is available following the hearing.

The sponsor is a member of the majority party. This measure has not garnered the support of co-sponsors.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the Governor's Office. The legislative session lasts 60 days, so measures move quickly. Legislation is not eligible for carryover between sessions.

Upon introduction, a bill is referred to a committee. However, committees are required to hear every bill referred to them. By rule, public hearings must be announced at least 24 hours before the meeting. During a public hearing, members of the public may testify on the bill and legislators may amend or substitute the measure. Substitutes and amendments must be germane to the bill. If the bill passes the committee, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Utah require three readings for final passage in each chamber. In Utah, bills are required to have a floor sponsor for introduction in the opposite chamber. The original sponsor must designate a floor sponsor before the bill is transferred to the second chamber. If there are differences between the House and Senate versions of the bill, a conference committee is appointed to resolve differences. Members of the conference committees are appointed by the Speaker of the House and Senate President. The number of members appointed varies by measure. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to the Governor for action.

The Utah budget process occurs on an annual basis and only contains appropriations. The Governor's recommended budget is heard in the Joint Appropriations Committee. In January and February, the Joint Appropriations subcommittees hold hearings and review

recommendations from the Legislative Fiscal Analyst to prepare a report for the Executive Appropriations Committee, which makes final decisions to balance the budget. After the bill moves out of the Appropriations Committee, the Legislature debates the bill and votes on final passage. After passage, the final budget is sent to the Governor for approval. The budget is made up of multiple bills, including the base budget, which funds state agencies with the same budget as the current fiscal year but with one-time funding removed, as well as the new fiscal year supplemental, which adds to and takes away from the base budget. The Appropriations Adjustments funds each bill passed with a fiscal note and is typically the last bill passed.

## VERMONT

Nothing to report.

## VIRGINIA

Nothing to report.

## WASHINGTON

### H.B. 1054 - Tobacco Age Restrictions

**Sponsor:** Representative Paul Harris (R)

**Summary:** Current version (1/23/2018) This measure increases the minimum legal age of sale of tobacco and vapor products from 18 to 21.

Current version (1/23/2018): <http://lawfilesexternal.leg.wa.gov/biennium/2017-18/Pdf/Bills/House%20Bills/1054-S2.pdf>

Previous version (2/7/2017): <http://lawfilesexternal.leg.wa.gov/biennium/2017-18/Pdf/Bills/House%20Bills/1054-S.pdf>

Introduced version (1/4/2017): <http://lawfilesexternal.leg.wa.gov/biennium/2017-18/Pdf/Bills/House%20Bills/1054.pdf>

**Status:** Prefiled 1/4/2017. Referred to House Health Care & Wellness Committee 1/9/2017. Hearing held 1/24/2017. Executive Session held; substituted; passed Committee 2/3/2017. Referred to House Finance Committee 2/7/2017. Hearing held 2/20/2017. Executive Session deferred 3/24/2017. Executive Session held; passed Committee 3/30/2017. Referred to House Rules Committee 4/4/2017. Returned to House 4/23/2017. Reintroduced 5/23/2017. Carried over to 2018 Legislative Session 7/20/2017. Returned to House Finance Committee 1/8/2018. Executive session held; substituted; passed committee 1/23/2018. Referred to House Rules Committee 1/26/2018. Died in House 2/14/2018.

**Outlook:** This measure did not pass in the chamber of origin by February 14, and is not eligible for further consideration.

This measure was heard in the House Finance Committee, where it was substituted and passed from committee by a 7-1 vote. This measure awaits further consideration before the House Rules Committee.

This measure has garnered cosponsorship support.

**State Outlook:** The Democratic Party controls the House of Representatives, the Senate, and the Governor's Office in Washington. Regular sessions are limited to 105 days during odd-numbered years and 60 days during even-numbered years. Bills left pending at the end of a session in an odd-numbered year may be carried over to the next legislative session. The Governor and the Legislature can call for a special session, which may last up to 30 days and during which any bill can be considered.

Upon introduction, a bill may be referred to a committee, though committees are not required to hear every bill referred to them. There are three types of committee meetings: work sessions, public hearings, and executive sessions. Committees discuss bills during work sessions, receive public testimony during public hearings, and typically vote on a measure during an executive session. A measure may have a work session, public hearing, and executive session during the same meeting. If passed, a bill is referred to the Rules committee, which then determines if the bill is placed on the calendar. After certain cut-off dates, the Senate Rules Committee may place bills no longer eligible for consideration in the "X" File. Measures on the X-File usually remain in the X-File until the end of the biennium.

Amendments can be made in committee or on the floor, but they must be germane to the original bill. Budget bills functionally are exempt from this rule, however, due to the broad nature of the bills. When all amendments have been considered and debate is over, the bill is engrossed and moves to third reading, at which point they cannot be amended. If there are differences between the House and Senate versions of the bill, a conference committee is appointed to resolve differences. If a report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to the Governor for action.

**Companion Bill:** 2017 S.B. 5025

**Effective Date:** January 1, 2018

## WEST VIRGINIA

### H.B. 4537 - Tobacco Taxes

**Sponsor:** Delegate Larry Rowe (D)

**Summary:** This measure increases the tobacco products excise tax.

More specifically, this measure states that on and after July 1, 2018, the excise tax rate levied and imposed on the sale of cigarettes is \$1.55 on each 20 cigarettes or in like ratio on any part thereof.

This measure states that on and after July 1, 2018, the excise tax rate levied and imposed on the sales or use of tobacco products other than cigarettes is at the rate equal to 15.5 percent of the wholesale price of each article or item of tobacco products other than cigarettes sold by the wholesaler or sub-jobber dealer, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer.

[http://www.wvlegislature.gov/Bill\\_Text\\_HTML/2018\\_SESSIONS/RS/bills/hb4537%20intr.pdf](http://www.wvlegislature.gov/Bill_Text_HTML/2018_SESSIONS/RS/bills/hb4537%20intr.pdf)

**Status:** Introduced; referred to House Health and Human Resources Committee 2/13/2018.

**Outlook:** This measure awaits consideration in the House Health and Human Resources Committee, chaired by Delegate Joe Ellington (R). The sponsor is not a member of the committee of referral.

The sponsor is a member of the minority.

**State Outlook:**

The Republican Party controls the House of Delegates, Senate, and the Governor's Office. Regular sessions of the Legislature begin on the second Wednesday in January of each year and last for 60 consecutive days (although they can be extended by a two-thirds vote from each chamber). After the 35th day in the House and the 41st day in the Senate, bills cannot be introduced without two-thirds approval of both chambers. During odd-numbered years, bills pending in the House are eligible for carryover to the following year.

Upon introduction, bills will initially be referred to one or more committees, although committees are not required to hear every bill. In committee, legislators may amend or substitute the measure. If a bill is reported out of committee favorably, it is read for the first time in the chamber. Amendments and substitutes relevant to the original bill are only accepted prior to the third reading (barring unanimous consent from all members). If there are differences between the House and Senate versions of a bill, a conference committee is appointed, which then issues a conference committee report that must be passed by both chambers. Subsequently, the measure is sent to the Governor.

West Virginia's budget occurs on an annual basis and contains only appropriations. The Governor's Budget comes in the form of a bill and is referred to the Finance Committee in both chambers. Once both chambers have passed the bill, it is referred to the Budget Conference Committee to agree on a final version. After passage, the final budget is sent to the Governor for approval. Per statute, a balanced budget must be passed by June 31st.

**WISCONSIN**

Nothing to report.

**WYOMING**

## **S.F. 94 - Smoking Bans**

**Sponsor:** Senator Liisa Anselmi-Dalton (D)

**Summary:** This measure repeals a provision that prohibits discrimination in employment on the basis of a person's use or nonuse of tobacco products.

<http://legisweb.state.wy.us/2018/Introduced/SF0094.pdf>

**Status:** Introduced; referred to Joint Judiciary Committee 2/12/2018. Hearing held; passed committee 2/19/2018.

**Outlook:** This measure was heard February 19, where it was passed by a unanimous vote. The measure awaits further consideration before the Senate.

The sponsor is a member of the majority party. This measure has garnered the support of co-sponsors.

**State Outlook:** The Republican Party controls the House of Representatives and the Senate, as well as the Governor's Office. Sessions in Wyoming are very short, resulting in fast-moving legislation. During a regular session, the Legislature convenes for no more than 60 legislative working days every two years, and no more than 40 legislative days in any year. In odd-numbered years, the Legislature meets for a general and budget session, beginning on the second Tuesday of January. In even-numbered years, the Legislature meets for a session devoted to budgetary matters. Legislation is not eligible for carryover from one session to the next.

The legislature has an active interim, with legislators bringing policy proposals for committees to study. Beginning in late July, committees will start to publish bill drafts that were studied during the interim. During the general session, senators may file up to seven bills while representatives do not have a limit on how many bills they can file. Whereas during the budget session, senators can file up to three bills, while representatives can file up to five bills. Upon introduction, a bill is referred to a committee. However, committees are not required to hear every bill referred to them. If the measure receives a public hearing, members of the public may testify on the bill and legislators may amend the measure. If the bill passes the committee, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Wyoming require three readings for final passage in each chamber and may be amended on third reading. Wyoming does not have germaneness provisions in either chamber.

Wyoming's budget process occurs on a biennial basis and only contains appropriations. The Legislature's Joint Appropriations Committee begins agency biennial budget hearings in December or early January prior to the budget session. The Committee meets periodically in blocks of one or two weeks until the budget session starts. The entire budget working process takes four or five weeks and is completed at least one week before the budget session begins. Once the Committee has completed its work on the budgets, the Legislative Service Office budget staff prepares two identical general appropriations or budget bills for introduction. One bill is a Senate file, the other a House bill. Each bill consists of the Committee's recommendations as approved by vote of the Committee. While there are two identical bills, only one bill ends up being the vehicle for consideration. After final passage in both chambers, the bill goes to the Governor for action.