

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 676

Introduced by Linehan, 39.

Read first time January 20, 2021

Committee: Revenue

- 1 A BILL FOR AN ACT relating to cigarette taxes; to amend section 77-2601,
- 2 Revised Statutes Cumulative Supplement, 2020; to redefine a term;
- 3 and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-2601, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 77-2601 For purposes of sections 77-2601 to 77-2615:

4 (1) Person means and includes every individual, firm, association,
5 joint-stock company, partnership, limited liability company, syndicate,
6 corporation, trustee, or other legal entity, including any Indian tribe
7 or instrumentality thereof;

8 (2) Wholesale dealer means a person who sells cigarettes to licensed
9 retail dealers other than branch stores operated by or connected with
10 such wholesale dealer for purposes of resale and is licensed under
11 section 28-1423;

12 (3) Retail dealer includes every person other than a wholesale
13 dealer engaged in the business of selling cigarettes in this state
14 irrespective of quantity, amount, or number of sales thereof;

15 (4) Tax Commissioner means the Tax Commissioner of the State of
16 Nebraska;

17 (5) Cigarette means any product that contains nicotine, is intended
18 to be burned or heated under ordinary conditions of use, and consists of
19 or contains (a) any roll of tobacco wrapped in paper or in any substance
20 not containing tobacco; (b) tobacco, in any form, that is functional in
21 the product, which, because of ~~its appearance,~~ the type of tobacco used
22 in the filler, or its packaging and labeling, is likely to be offered to,
23 or purchased by, consumers as a cigarette; or (c) any roll of tobacco
24 wrapped in any substance containing tobacco which, because of its
25 appearance, the type of tobacco used in the filler, or its packaging and
26 labeling, is likely to be offered to, or purchased by, consumers as a
27 cigarette described in subdivision (5)(a) of this section;

28 (6) Consumer means any person, firm, association, partnership,
29 limited liability company, joint-stock company, syndicate, or corporation
30 not having a license to sell cigarettes;

31 (7) Sales entity affiliate means an entity that (a) sells cigarettes

1 that it acquires directly from a manufacturer or importer and (b) is
2 affiliated with that manufacturer or importer. Entities are affiliated
3 with each other if one directly, or indirectly through one or more
4 intermediaries, controls or is controlled by or is under common control
5 with the other. Unless provided otherwise, manufacturer or importer
6 includes any sales entity affiliate of that manufacturer or importer;

7 (8) Stamping agent has the same meaning as in section 69-2705; and

8 (9) Indian country means (a) all land in this state within the
9 limits of any Indian reservation under the jurisdiction of the United
10 States, notwithstanding the issuance of any patent, including rights-of-
11 way running through the reservation, (b) all dependent Indian communities
12 within the borders of this state, and (c) all Indian allotments in this
13 state, the Indian titles to which have not been extinguished, including
14 rights-of-way running through such allotments.

15 Sec. 2. Original section 77-2601, Revised Statutes Cumulative
16 Supplement, 2020, is repealed.