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SENATE BILL NO. 1326

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Hanger)

(Patron Prior to Substitute—Senator Hanger)

Senate Amendments in [] - February 5, 2021

A BILL to amend and reenact § 58.1-3830 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 38 of Title 58.1 a section numbered 58.1-3832.1, relating to local cigarette taxes; regional cigarette tax boards.

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3830 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 38 of Title 58.1 a section numbered 58.1-3832.1 as follows:

§ 58.1-3830. Local cigarette taxes authorized; use of dual die or stamp to evidence payment.

A. Any county, city, or town locality is authorized to levy taxes upon the sale or use of cigarettes [, provided that such locality complies with the provisions of subsection C of § 58.1-3832.1] . The governing body of any county, city, or town locality that levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment may authorize an officer of the county, city, or town local or joint enforcement authority to enter into an arrangement with the Department of Taxation under which a tobacco wholesaler who so desires may use a dual die or stamp to evidence the payment of both the county, city, or town local tax, and the state tax, and the Department is hereby authorized to enter into such an arrangement. The procedure under such an arrangement shall be such as may be agreed upon by and between the authorized county, city, town local or joint enforcement authority officer and the Department.

B. Any county cigarette tax imposed shall not apply within the limits of any town located in such county where such town now, or hereafter, imposes a town cigarette tax. However, if the governing body of any such town shall provide that a county cigarette tax, as well as the town cigarette tax, shall apply within the limits of such town, then such cigarette tax may be imposed by the county within such town.

C. The maximum tax rate imposed by a locality on cigarettes pursuant to the provisions of this section shall be as follows:

1. If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.

2. If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.

§ 58.1-3832.1. Regional cigarette tax boards.

A. As used in this section:

"Member locality" means a locality that elects to become a member of a regional cigarette tax board and have its local cigarette tax administered by the board.

"Region" means the group of localities for which the regional cigarette tax board administers local cigarette taxes.

"Regional cigarette tax board" means a board established by a group of at least six member localities pursuant to their powers under this article, Chapter 13 (§ 15.2-1300 et seq.) of Title 15.2, and the Regional Cooperation Act (§ 15.2-4200 et seq.), with the purpose of administering local cigarette taxes on a regional basis subject to the provisions of this section.

B. A regional cigarette tax board shall have the following duties:

1. Providing for the use of a uniform meter impression or stamp as evidence of payment of any local cigarette tax within the region.

2. Entering into an arrangement, on behalf of or in cooperation with its member localities, with the Department pursuant to the provisions of subsection A of § 58.1-3830, for the use of a dual die or stamp as evidence of payment of any applicable local and state tax.

3. Providing a single point of contact for a stamping agent authorized under this article or Chapter 10 (§ 58.1-1000) to remit local cigarette taxes due to any member locality.

4. Providing a discount to a stamping agent as compensation for accounting for the tax due under this article. The discount shall be in the amount of two percent of the tax otherwise due.

5. Distributing any local cigarette taxes collected by the board to the appropriate member locality.

6. Enforcing all local cigarette tax ordinances within the region.

7. Promoting uniformity of cigarette tax ordinances among its member localities.

8. To the extent possible, encouraging uniformity of cigarette tax rates among its member localities.

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60 9. Accomplishing any other purpose that helps promote the uniform administration of local cigarette
61 taxes throughout the region.

62 [~~C. No county shall impose a tax under this article unless it is a member of a regional cigarette tax~~
63 ~~board. However, if a county, on or after July 1, 2020, but before January 31, 2021, enacted a cigarette~~
64 ~~tax ordinance or adopted a resolution indicating its intent to impose a cigarette tax, such county shall~~
65 ~~not be required to be a member of a regional cigarette tax board until January 1, 2026. This subsection~~
66 ~~shall not apply to any county that imposed a tax under this article that was in effect prior to July 1,~~
67 ~~2020.]~~

68 2. That the Northern Virginia Cigarette Tax Board shall be considered a regional cigarette tax
69 board for purposes of this act.

70 [3. That it is the policy of the Commonwealth that, where practical, local cigarette stamping and
71 tax collection is encouraged to be accomplished through regional cigarette tax boards modeled on
72 the Northern Virginia Cigarette Tax Board. Recognizing that the current system of stamping and
73 tax collection is antiquated and places a burden on wholesalers and distributors, the Department
74 of Taxation shall establish a task force to develop methods for modernizing the system and shall
75 provide assistance as appropriate to localities seeking new regional cigarette tax boards. The task
76 force shall include local government representatives, local commissioners of the revenue, cigarette
77 wholesalers and distributors, and representatives of the Northern Virginia Cigarette Tax Board.
78 The task force shall submit its recommendations to the Virginia General Assembly by November
79 1, 2021.]