

**Not Germane  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2003**

**BY: Senator(s) Tollison, Jordan, Thomas, Butler,  
Bryan, Walls, Williamson, Frazier, Jackson (32nd),  
Horhn, Harden, Jackson (11th), Simmons**

1           Amend by inserting the following after line 1238 and  
2 renumbering:

3           **SECTION \*.** Section 27-69-3, Mississippi Code of 1972, is  
4 amended as follows:

5           \* \* \*

6           27-69-3. When used in this chapter:

7           (a) "State" means the State of Mississippi as  
8 geographically defined, and any and all waters under the  
9 jurisdiction of the State of Mississippi.

10           (b) "State Auditor" means the Auditor of Public  
11 Accounts of the State of Mississippi, or his legally appointed  
12 deputy, clerk or agent.

13           (c) "Commissioner" means the Chairman of the State Tax  
14 Commission of the State of Mississippi, and his authorized agents  
15 and employees.

16           (d) "Person" means any individual, company,  
17 corporation, partnership, association, joint venture, estate,  
18 trust, or any other group, or combination acting as a unit, and  
19 the plural as well as the singular, unless the intention to give a  
20 more limited meaning is disclosed by the context.

21 (e) "Consumer" means a person who comes into possession  
22 of tobacco for the purpose of consuming it, giving it away, or  
23 disposing of it in any way by sale, barter or exchange.

24 (f) "Tobacco" means any cigarettes, cigars, cheroots,  
25 stogies, smoking tobacco (including granulated, plug cut, crimp  
26 cut, ready rubbed, and other kinds and forms of tobacco, or  
27 substitutes therefor, prepared in such manner as to be suitable  
28 for smoking in a pipe or cigarette) and including plug and twist  
29 chewing tobacco and snuff, when such "tobacco" is manufactured and  
30 prepared for sale or personal consumption. All words used herein  
31 shall be given the meaning as defined in the regulations of the  
32 Treasury Department of the United States of America.

33 (g) "First sale" means and includes the first sale, or  
34 distribution of such tobacco in intrastate commerce, or the first  
35 use or consumption of such tobacco within this state.

36 (h) "Drop shipment" means and includes any delivery of  
37 tobacco received by any person within this state, when payment for  
38 such tobacco is made to the shipper, or seller by or through a  
39 person other than a consignee.

40 (i) "Distributor" includes every person, except  
41 retailers as defined herein, in the state who manufactures or  
42 produces tobacco or who ships, transports, or imports into this  
43 state, or in any manner acquires or possesses tobacco, and makes a  
44 first sale of the same in the state.

45 (j) "Wholesaler" includes dealers, whose principal  
46 business is that of a wholesale dealer or jobber, who is known to  
47 the retail trade as such, and whose place of business is located  
48 in Mississippi or in a state which affords reciprocity to  
49 wholesalers domiciled in Mississippi, who shall sell any taxable  
50 tobacco to retail dealers only for the purpose of resale.

51 (k) "Retailer" includes every person, other than a  
52 wholesale dealer, as defined above, whose principal business is

53 that of selling merchandise at retail, who shall sell, or offer  
54 for sale tobacco to the consumer. The sale of tobacco in quantity  
55 lots by retailers to other retailers, transient vendors, or other  
56 persons, shall not be construed as wholesale and shall not qualify  
57 such retailer for a permit as a wholesaler.

58 (l) "Dealer" includes every person, firm, corporation  
59 or association of persons, except retailers as defined herein, who  
60 manufacture tobacco for distribution, for sale, for use or for  
61 consumption in the State of Mississippi.

62 The word "dealer" is further defined to mean any person,  
63 firm, corporation or association of persons, except retailers as  
64 defined herein, who imports tobacco from any state or foreign  
65 country for distribution, sale, use, or consumption in the State  
66 of Mississippi.

67 (m) "Distributing agent" includes every person in the  
68 state who acts as an agent of any person outside the State of  
69 Mississippi, by receiving tobacco in interstate commerce, and  
70 storing such tobacco in this state subject to distribution, or  
71 delivery upon order from said person outside the state to  
72 distributors, wholesalers, retailers and dealers.

73 (n) "Transient vendor" means and includes every person  
74 commonly and generally termed "peddlers" and every person acting  
75 for himself, or as an agent, employee, salesman, or in any  
76 capacity for another, whether as owner, bailee, or other custodian  
77 of tobacco, and going from person to person, dealer to dealer,  
78 house to house, or place to place, and selling or offering for  
79 sale at retail or wholesale tobacco, and every person who does not  
80 keep a regular place of business open at all times in regular  
81 hours, and every person who goes from person to person, dealer to  
82 dealer, house to house, or place to place, and sells or offers for  
83 sale tobacco which he carries with him, and who delivers the same  
84 at the time of, or immediately after the sale, or without

85 returning to the place of business operations (a permanent place  
86 of business within the state) between the taking of the order and  
87 the delivery of the tobacco, or

88 All persons who go from person to person, house to house,  
89 place to place, or dealer to dealer, soliciting orders by  
90 exhibiting samples, or taking orders, and thereafter making  
91 delivery of tobacco, or filling the order without carrying or  
92 sending the order to the permanent place of business, and  
93 thereafter making delivery of the tobacco pursuant to the terms of  
94 the order, or

95 All persons who go from person to person, place to place,  
96 house to house, or dealer to dealer, carrying samples and selling  
97 tobacco from samples, and afterwards making delivery without  
98 taking and sending an order therefor to a permanent place of  
99 business for the filling of the order, and delivery of the  
100 tobacco, or the exchange of tobacco having become damaged or  
101 unsalable, or the purchase by tobacco of advertising space, or

102 All persons who have in their possession, or under their  
103 control, any tobacco offered, or to be offered for sale or to be  
104 delivered, unless the sale or delivery thereof is to be made in  
105 pursuance of a bona fide order for the tobacco, to be sold or  
106 delivered, said order to be evidenced by an invoice or memorandum.

107 (o) "Contraband tobacco" means all tobacco found in the  
108 possession of any person whose permit to engage in dealing in  
109 tobacco has been revoked by the commissioner; and any cigarettes  
110 found in the possession of any person to which the proper tax  
111 stamps have not been affixed; and any cigarettes improperly  
112 stamped when found in the possession of any person; and all other  
113 tobacco upon which the excise tax has not been paid.

114 (p) "Sale" means an exchange for money or goods, giving  
115 away, or distributing any tobacco as defined in this chapter.

116 (q) "Forty-eight (48) hours" and "seventy-two (72)  
117 hours" means two (2) calendar days and three (3) calendar days,  
118 respectively, excluding Sundays and legal holidays.

119 (r) "Stamp" or "stamping," or the import of such word,  
120 when used in this chapter, means any manner of stamp or impression  
121 permitted by the commissioner that carries out the purposes of the  
122 chapter in clearly indicating upon the packages of cigarettes  
123 taxed the due payment of the tax and clearly identifying, by  
124 serial number or otherwise, the permittee who affixed the stamp to  
125 the particular package.

126 (s) "Manufacturer's list price" means the full sales  
127 price at which tobacco is sold or offered for sale by a  
128 manufacturer to the wholesaler or distributor in this state  
129 without any deduction for freight, trade discount, cash discounts,  
130 special discounts or deals, cash rebates, or any other reduction  
131 from the regular selling price. In the event freight charges on  
132 shipments to wholesalers or distributors are not paid by the  
133 manufacturer, then such freight charges required to be paid by the  
134 wholesalers and distributors shall be added to the amount paid to  
135 the manufacturer in order to determine "manufacturer's list  
136 price." In the case of a wholesaler or distributor whose place of  
137 business is located outside this state, the "manufacturer's list  
138 price" for tobacco sold in this state by such wholesaler or  
139 distributor shall in all cases be considered to be the same as  
140 that of a wholesaler or distributor located within this state.

141 (t) "Tobacco settlement" means the settlement of the  
142 case of Mike Moore, Attorney General ex rel. State of Mississippi  
143 v. The American Tobacco Company et al. (Chancery Court of Jackson  
144 County, Mississippi, Cause No. 94-1429).

145 (u) "Nonparticipating manufacturer" means a  
146 manufacturer of cigarettes that is not a participating  
147 manufacturer in the tobacco settlement.

148           (v) "Participating manufacturer" means a manufacturer  
149 of cigarettes that is a participating manufacturer in the tobacco  
150 settlement.

151           **SECTION \*.** Section 27-69-5, Mississippi Code of 1972, is  
152 amended as follows:

153           27-69-5. Every manufacturer, distributor, wholesaler, dealer  
154 or retailer who desires to become engaged in the sale or use of  
155 tobacco upon which a tax is required to be paid shall file with  
156 the commissioner an application for a permit to engage in such  
157 business. The application for a permit shall be filed on blanks  
158 to be furnished by the commissioner for that purpose. The  
159 application must be subscribed and sworn to by the person owning  
160 the business, or having an ownership interest therein. If the  
161 applicant is a corporation, a duly authorized agent shall execute  
162 the application. The application shall show the name of such  
163 person, and in case of partnership, the name of each partner  
164 thereof, the person's post office address, the location of the  
165 place of business to which the permit shall apply, and the nature  
166 of the business in which engaged, and any other information the  
167 commissioner may require. No manufacturer, distributor,  
168 wholesaler, dealer or retailer shall sell any tobacco until such  
169 application has been filed, the prescribed permit fee paid, and  
170 the permit obtained. Except as otherwise provided in this  
171 paragraph, said permit shall expire on January 31 of each year.  
172 However, a retail permit shall continue in force during the time  
173 that the permit holder to whom it is issued continues in the same  
174 business at the same location unless such permit is revoked by the  
175 commissioner for cause or is revoked pursuant to any provision of  
176 the Mississippi Juvenile Tobacco Access Prevention Act in Sections  
177 97-32-1 through 97-32-23.

178 An application shall be filed, and a permit obtained for each  
179 place of business owned or operated by each distributor,  
180 wholesaler, dealer or retailer.

181 Upon receipt of the application and any permit fee  
182 hereinafter provided for, the commissioner may issue to every  
183 manufacturer, distributor, wholesaler, dealer or retailer, for the  
184 place of business designated, a nonassignable permit, authorizing  
185 the sale or use of tobacco in the state. Said permit shall  
186 provide that the same is revocable, and may be forfeited or  
187 suspended upon violation of any provision of this chapter, the  
188 Mississippi Tobacco Youth Access Prevention Act of 1997 or any  
189 rule or regulation adopted by the commissioner. If such permit  
190 is revoked or suspended, said manufacturer, distributor,  
191 wholesaler, dealer or retailer shall not sell any tobacco from  
192 such place of business until a new permit is granted, or the  
193 suspension of the old permit removed.

194 A permit cannot be transferred from one person to another,  
195 and the permit shall at all times be publicly displayed by the  
196 manufacturer, distributor, wholesaler, dealer or retailer in his  
197 place of business so as to be seen easily by the public. A permit  
198 may be refused to any person previously convicted of violations of  
199 this chapter.

200 **SECTION \*.** Section 27-69-7, Mississippi Code of 1972, is  
201 amended as follows:

202 27-69-7. In addition to the excise tax on each person  
203 selling, using, consuming, handling or distributing tobacco as  
204 hereinafter provided, it is hereby made the duty of the  
205 commissioner to collect a privilege tax of One Hundred Dollars  
206 (\$100.00) for each permit issued to every manufacturer,  
207 distributor, wholesaler or dealer doing business directly or  
208 indirectly in this state. However, the amount of the privilege  
209 tax to be paid for a permit issued for a period of less than

210 twelve (12) months shall be the proportionate amount of the annual  
211 privilege tax that the number of months, or part of a month,  
212 remaining until the permit expiration date bears to twelve (12)  
213 months, but in no case shall the privilege tax be less than Ten  
214 Dollars (\$10.00).

215 Foreign manufacturers, wholesalers, or distributors shall  
216 secure a permit from the commissioner, upon the payment of a fee  
217 of One Hundred Dollars (\$100.00), and shall agree in an  
218 application sworn to and certified, that the excise tax shall be  
219 paid on all shipments of taxable tobacco into the State of  
220 Mississippi, that the required tax stamps shall be affixed to  
221 cigarettes, and that the commissioner, or his authorized agent,  
222 shall be permitted to inspect and audit their records of tobacco  
223 shipments into the State of Mississippi at any and all reasonable  
224 times.

225 It is further provided that any person who engages in any  
226 business for which a permit is required by this chapter, before  
227 procuring a permit, or after the permit is cancelled, shall be  
228 guilty of a misdemeanor, and punishable by a fine of not exceeding  
229 Five Hundred Dollars (\$500.00), nor less than Fifty Dollars  
230 (\$50.00).

231 **SECTION \*.** Section 27-69-11, Mississippi Code of 1972, is  
232 amended as follows:

233 27-69-11. Any person engaged in the business of buying,  
234 selling, manufacturing or distributing within this state, tobacco  
235 as a wholesaler or manufacturer without having secured the  
236 required permit from the commissioner shall be guilty of a  
237 misdemeanor.

238 **SECTION \*.** Section 27-69-13, Mississippi Code of 1972, is  
239 amended as follows:

240 27-69-13. (1) There is \* \* \* imposed, levied and assessed,  
241 to be collected and paid as hereinafter provided in this chapter,



242 an excise tax on each person or dealer in cigarettes, cigars,  
243 stogies, snuff, chewing tobacco, and smoking tobacco, or  
244 substitutes therefor, upon the sale, use, consumption, handling or  
245 distribution in the State of Mississippi, as follows:

246 (a) On cigarettes, the rate of tax shall be  
247 Eighteen-twentieths of One Cent ( $18/20$  of  $1\text{¢}$ ) on each cigarette  
248 sold with a maximum length of one hundred twenty (120)  
249 millimeters; any cigarette in excess of this length shall be taxed  
250 as if it were two (2) or more cigarettes. \* \* \* However, if the  
251 federal tax rate on cigarettes in effect on June 1, 1985, is  
252 reduced, then the rate as provided in this paragraph (a) shall be  
253 increased by the amount of the federal tax reduction. The tax  
254 increase shall take effect on the first day of the month following  
255 the effective date of the reduction in the federal tax rate.

256 (b) (i) In addition to the excise tax levied by  
257 paragraph (a), beginning on the first day of the month following  
258 the effective date of Senate Bill No. , 2005 First  
259 Extraordinary Session, there is levied an excise tax of Two and  
260 One-half Cents ( $2-1/2\text{¢}$ ) on each cigarette sold with a maximum  
261 length of one hundred twenty (120) millimeters; any cigarette in  
262 excess of this length shall be taxed as if it were two (2) or more  
263 cigarettes.

264 (ii) On or before the fifteenth day of the month  
265 following the month of the beginning date of the excise tax on  
266 cigarettes that is levied by subparagraph (i) of this paragraph,  
267 and each succeeding month thereafter, the revenue derived from  
268 that excise tax shall be deposited into the Health Care Trust Fund  
269 until such time as the State Treasurer determines that a total sum  
270 equal to the amount transferred to the Health Care Expendable Fund  
271 in fiscal year 2005 has been deposited into the trust fund, and  
272 thereafter the revenue derived from the tax increases and the  
273 equity assessment shall be deposited into the special fund in the

274 State Treasury to the credit of the Governor's Office-Division of  
275 Medicaid as provided in Section 27-69-75.

276 (c) On cigars, cheroots, stogies, snuff, chewing and  
277 smoking tobacco and all other tobacco products, except cigarettes,  
278 the rate of tax shall be fifteen percent (15%) of the  
279 manufacturer's list price.

280 (d) (i) In addition to the excise tax levied by  
281 paragraph (c), beginning on the first day of the month following  
282 the effective date of Senate Bill No. , 2005 First  
283 Extraordinary Session, there is levied an excise tax of ten  
284 percent (10%) of the manufacturer's list price on cigars,  
285 cheroots, stogies, snuff, chewing and smoking tobacco and all  
286 other tobacco products, except cigarettes.

287 (ii) On or before the fifteenth day of the month  
288 following the month of the beginning date of the excise tax on  
289 other tobacco products, except cigarettes, that is levied by  
290 subparagraph (i) of this paragraph, and each succeeding month  
291 thereafter, the revenue derived from that excise tax shall be  
292 deposited into the Health Care Trust Fund until such time as the  
293 State Treasurer determines that a total sum equal to the amount  
294 transferred to the Health Care Expendable Fund in fiscal year 2005  
295 has been deposited into the trust fund, and thereafter the revenue  
296 derived from the tax increases and the equity assessment shall be  
297 deposited into the special fund in the State Treasury to the  
298 credit of the Governor's Office-Division of Medicaid as provided  
299 in Section 27-69-75.

300 (2) No stamp evidencing the tax \* \* \* levied on cigarettes  
301 by this section shall be of a denomination of less than One Cent  
302 (1¢), and whenever the tax computed at the rates \* \* \* prescribed  
303 on cigarettes in this section is a specified amount, plus a  
304 fractional part of One Cent (1¢), the package shall be stamped for  
305 the next full cent. However, (a) the additional face value of

306 stamps purchased to comply with taxes imposed by this section  
307 after June 1, 1985, shall be subject to a four percent (4%)  
308 discount or compensation to dealers for their services rather than  
309 the eight percent (8%) discount or compensation allowed by Section  
310 27-69-31; and (b) the additional face value of stamps purchased to  
311 comply with the taxes levied in subsections (1)(b) and (1)(d) of  
312 this section and the assessment imposed under subsection (5) of  
313 this section shall not be subject to any discount or compensation  
314 to dealers for their services.

315 (3) Every wholesaler shall purchase stamps as provided in  
316 this chapter, and affix the same to all packages of cigarettes  
317 handled by him as \* \* \* provided in this section.

318 (4) The \* \* \* tax levied by this chapter is levied upon the  
319 sale, use, gift, possession, or consumption of tobacco within the  
320 State of Mississippi, and the impact of the tax levied by this  
321 chapter is hereby declared to be on the vendee, user, consumer, or  
322 possessor of tobacco in this state. When the tax is paid by any  
323 other person, such payment shall be considered as an advance  
324 payment and shall thereafter be added to the price of the tobacco  
325 and recovered from the ultimate consumer or user.

326 (5) (a) In addition to the tax imposed under this section,  
327 beginning on the first day of the month following the effective  
328 date of Senate Bill No. , 2005 First Extraordinary Session,  
329 there is imposed an equity assessment in the amount of Two Cents  
330 (2¢) per cigarette on all cigarettes subject to the tax imposed  
331 under this section. The assessment shall be increased annually  
332 beginning January 1, 2006, by the amount of three percent (3%) or  
333 the increase in the Consumer Price Index, whichever is greater.  
334 Such equity assessment is imposed on the manufacturer.

335 (b) A wholesaler shall provide a manufacturer a report  
336 by the tenth day of each month setting forth the number of  
337 cigarettes on which stamps were affixed by the wholesaler during

338 the preceding month and identifying such cigarettes by  
339 manufacturer, brand and style.

340 (c) A manufacturer shall remit the equity assessment to  
341 the state by the twentieth day of each month for cigarettes on  
342 which stamps were affixed during preceding month.

343 (d) A participating manufacturer shall be allowed a  
344 credit against the equity assessment for the amount of the annual  
345 tobacco settlement installment payments made to the state pursuant  
346 to the tobacco settlement by such manufacturer for the preceding  
347 year.

348 **SECTION \*.** Section 27-69-41, Mississippi Code of 1972, is  
349 amended as follows:

350 27-69-41. If any person subject to the provisions of this  
351 chapter, or any rules or regulations promulgated by the  
352 commissioner under authority hereof, shall be found to have failed  
353 to affix the stamps required, or to have the same affixed as  
354 herein provided, or to pay any tax due hereunder, or to have  
355 violated any of the provisions of this chapter, or rules and  
356 regulations promulgated by the commissioner in the administration  
357 of this chapter, there shall be collected from such person, in  
358 addition to the tax that may be due, a penalty of fifty percent  
359 (50%) of the tax due; and the commissioner, or his duly authorized  
360 representative, may make immediate demand upon such person for the  
361 payment of all such taxes and penalties. Provided, that the  
362 commissioner, for good reason shown, may remit all or any part of  
363 the penalties imposed, but the taxpayer must pay all taxes due and  
364 interest thereon, at the rate of twelve percent (12%) per annum.  
365 The keeping of any unstamped cigarettes or untaxed tobacco at a  
366 place of business where such articles are sold, shall be prima  
367 facie evidence of intent to violate the provisions of this  
368 chapter.

369 If a manufacturer does not pay the equity assessment imposed  
370 under Section 27-69-13(5), the manufacturer may be assessed a  
371 penalty of ten percent (10%) of the amount of the equity  
372 assessment due or the manufacturer's products may be barred from  
373 sale or consumption, or both, in this state. If a wholesaler does  
374 not provide a manufacturer with the information required under  
375 Section 27-69-13(5), the commissioner may suspend sales of tobacco  
376 stamps to the wholesaler.

377 All administrative provisions of the Mississippi Sales Tax  
378 Law, including those which fix damages, penalties and interest for  
379 nonpayment of taxes and for noncompliance with the provisions of  
380 said chapter, and all other requirements and duties imposed upon  
381 taxpayers, shall apply to all persons liable for taxes under the  
382 provisions of this chapter, and the commissioner shall exercise  
383 all the power and authority and perform all the duties with  
384 respect to taxpayers under this chapter as are provided in the  
385 Sales Tax Law, except where there is conflict, then the provisions  
386 of this chapter shall control.

387 **SECTION \*.** Section 27-69-75, Mississippi Code of 1972, is  
388 amended as follows:

389 27-69-75. (1) All taxes levied by this chapter shall be  
390 payable to the commissioner in cash, or by personal check,  
391 cashier's check, bank exchange, post office money order or express  
392 money order, and shall be deposited by the commissioner in the  
393 State Treasury on the same day collected. No remittance other  
394 than cash shall be a final discharge of liability for the  
395 tax \* \* \* assessed and levied under this chapter, unless and until  
396 it has been paid in cash to the commissioner.

397 (2) The revenue derived from the taxes levied in subsections  
398 (1)(b) and (1)(d) of Section 27-69-13 and the assessment imposed  
399 under subsection (5) of Section 27-69-13 shall be deposited into  
400 the Health Care Trust Fund until such time as the State Treasurer

401 determines that a total sum equal to the amount transferred to the  
402 Health Care Expendable Fund in fiscal year 2005 has been deposited  
403 into the trust fund, and thereafter the revenue derived from the  
404 tax increases and the equity assessment shall be deposited into  
405 the special fund in the State Treasury to the credit of the  
406 Governor's Office-Division of Medicaid to be expended by the  
407 division first (a) to fully fund Medicaid services for persons  
408 eligible for Medicaid under Section 43-13-115(11) (the Poverty  
409 Level Aged and Disabled (PLAD) group) and then (b) for any other  
410 purposes authorized under the Mississippi Medicaid Law.

411       (3) All tobacco taxes collected, including tobacco license  
412 taxes, except for those revenues required to be deposited into the  
413 special fund as provided in subsection (2) of this section, shall  
414 be deposited into the State Treasury to the credit of the General  
415 Fund.

416       (4) Wholesalers who are entitled to purchase stamps at a  
417 discount, as provided by Section 27-69-31, may have consigned to  
418 them, without advance payment, those stamps, if and when the  
419 wholesaler \* \* \* gives to the commissioner a good and sufficient  
420 bond executed by some surety company authorized to do business in  
421 this state, conditioned to secure the payment for the stamps so  
422 consigned. The commissioner shall require payment for those  
423 stamps not later than thirty (30) days from the date the stamps  
424 were consigned.

425       **Further, amend the title by inserting the following after the**  
426 **semicolon on line 68:**

427 TO AMEND SECTIONS 27-69-3, 27-69-5, 27-69-7, 27-69-11, 27-69-13  
428 AND 27-69-41, MISSISSIPPI CODE OF 1972, TO INCREASE THE EXCISE TAX  
429 ON CIGARETTES AND OTHER TOBACCO PRODUCTS; TO DEFINE THE TERMS  
430 "TOBACCO SETTLEMENT," "NONPARTICIPATING MANUFACTURER" AND  
431 "PARTICIPATING MANUFACTURER" FOR PURPOSES OF THE STATE TOBACCO TAX  
432 LAW; TO REQUIRE THAT CIGARETTE MANUFACTURERS PAY AN EQUITY  
433 ASSESSMENT OF TWO CENTS PER CIGARETTE ON ALL CIGARETTES SUBJECT TO  
434 THE CIGARETTE EXCISE TAX; TO PROVIDE THAT THE EQUITY ASSESSMENT  
435 SHALL BE INCREASED ANNUALLY BY THREE PERCENT OR THE INCREASE IN  
436 THE CONSUMER PRICE INDEX WHICHEVER IS GREATER; TO PROVIDE THAT  
437 CIGARETTE WHOLESALERS MUST PROVIDE CIGARETTE MANUFACTURERS MONTHLY

438 REPORTS SETTING FORTH THE NUMBER OF CIGARETTES ON WHICH TOBACCO  
439 TAX STAMPS WERE AFFIXED DURING THE PRECEDING MONTH AND IDENTIFYING  
440 THOSE CIGARETTES BY MANUFACTURER, BRAND AND STYLE; TO PROVIDE A  
441 CREDIT AGAINST THE EQUITY ASSESSMENT FOR ANNUAL TOBACCO SETTLEMENT  
442 INSTALLMENTS MADE BY PARTICIPATING MANUFACTURERS; TO PROVIDE  
443 PENALTIES FOR THE FAILURE OF A CIGARETTE MANUFACTURER TO PAY THE  
444 EQUITY ASSESSMENT; TO PROVIDE PENALTIES FOR THE FAILURE OF A  
445 WHOLESALER TO PROVIDE INFORMATION TO A MANUFACTURER NECESSARY FOR  
446 THE MANUFACTURER TO COMPUTE THE EQUITY ASSESSMENT; TO AMEND  
447 SECTION 27-69-75, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
448 REVENUE DERIVED FROM THE TAX INCREASES AND THE EQUITY ASSESSMENT  
449 PROVIDED FOR BY THIS ACT SHALL BE DEPOSITED INTO THE HEALTH CARE  
450 TRUST FUND UNTIL SUCH TIME AS THE STATE TREASURER DETERMINES THAT  
451 A TOTAL SUM EQUAL TO THE AMOUNT TRANSFERRED TO THE HEALTH CARE  
452 EXPENDABLE FUND UNDER THIS ACT HAS BEEN DEPOSITED INTO THE TRUST  
453 FUND, AND THEREAFTER THE REVENUE DERIVED FROM THE TAX INCREASES  
454 AND THE EQUITY ASSESSMENT SHALL BE DEPOSITED INTO THE SPECIAL FUND  
455 IN THE STATE TREASURY TO THE CREDIT OF THE GOVERNOR'S  
456 OFFICE-DIVISION OF MEDICAID;