

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0829.01 Ed DeCecco x4216

SENATE BILL 18-126

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING THE DEFINITION OF A TRADITIONAL LARGE AND
102 PREMIUM CIGAR FOR PURPOSES OF THE EXCISE TAX ON
103 TOBACCO PRODUCTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill defines a traditional large and premium cigar, which is a type of tobacco product, for purposes of the excise tax on tobacco products.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that premium cigars are an artisanal product
4 that is produced and consumed in an entirely different manner than other
5 tobacco products. On average, it takes three to five years for a single
6 premium cigar to be produced from seed to sale. A single one of these
7 cigars will be touched, on average, by two hundred fifty hands before it
8 reaches a consumer. The purpose of this act is to give a separate and
9 distinct definition of a premium cigar, but these products will not be taxed
10 separately from other tobacco products.

11 **SECTION 2.** In Colorado Revised Statutes, 39-28.5-101, **amend**
12 the introductory portion and (5); and **add** (6) as follows:

13 **39-28.5-101. Definitions.** As used in this ~~article~~ ARTICLE 28.5,
14 unless the context otherwise requires:

15 (5) "Tobacco products" means cigars, INCLUDING TRADITIONAL
16 LARGE AND PREMIUM CIGARS, cheroots, stogies, periques, granulated, plug
17 cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff
18 flour, cavendish, plug and twist tobacco, fine-cut and other chewing
19 tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of
20 tobacco, and other kinds and forms of tobacco, prepared in such manner
21 as to be suitable for chewing or for smoking in a pipe or otherwise, or
22 both for chewing and smoking, but does not include cigarettes which are
23 taxed separately pursuant to article 28 of this ~~title~~ TITLE 39.

24 (6) "TRADITIONAL LARGE AND PREMIUM CIGAR" MEANS ANY ROLL
25 OF TOBACCO THAT:

26 (a) IS WRAPPED IN ONE HUNDRED PERCENT LEAF TOBACCO;

27 (b) IS BUNCHED WITH ONE HUNDRED PERCENT TOBACCO FILLER;

1 (c) DOES NOT CONTAIN A FILTER, TIP, OR NONTOBACCO
2 MOUTHPIECE;

3 (d) WEIGHS AT LEAST SIX POUNDS PER ONE THOUSAND; AND

4 (e) HAS A ONE HUNDRED PERCENT LEAF TOBACCO BINDER AND IS
5 HAND ROLLED; HAS A ONE HUNDRED PERCENT LEAF TOBACCO BINDER
6 MADE USING HUMAN HANDS TO LAY THE LEAF TOBACCO WRAPPER OR
7 BINDER ONTO ONLY ONE MACHINE THAT BUNCHES, WRAPS, AND CAPS EACH
8 INDIVIDUAL CIGAR; OR HAS A HOMOGENIZED TOBACCO LEAF BINDER AND
9 IS MADE IN THE UNITED STATES USING HUMAN HANDS TO LAY ONE
10 HUNDRED PERCENT LEAF TOBACCO WRAPPER ONTO ONLY ONE MACHINE
11 THAT BUNCHES, WRAPS, AND CAPS EACH INDIVIDUAL CIGAR.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.