

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 514

(By Senators Stollings, Foster, Edgell, Prezioso,
Kessler (Mr. President), Barnes, Yost and Jenkins)

[Originating in the Committee on Health and Human Resources;
reported February 22, 2012.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9D-11, relating to providing that any person who maintains a roll-your-own cigarette machine at a retail establishment is deemed a manufacturer of cigarettes and that the resulting product is deemed to be cigarettes sold to a consumer for purposes of the Tobacco Master Settlement Agreement, enforcement of the Tobacco Master Settlement Agreement, tobacco products excise tax and reduced cigarette ignition propensity.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-9D-11, to read as follows:

**ARTICLE 9D. ENFORCEMENT OF STATUTES IMPLEMENTING
TOBACCO MASTER SETTLEMENT AGREEMENT.**

§16-9D-11. Roll-your-own cigarette machines at retail establishments.

1 Any person who maintains a machine at a retail estab-
2 lishment that enables a person to process at that establish-
3 ment tobacco, or any product that is made or derived from
4 tobacco, into a roll or tube is deemed a manufacturer of
5 cigarettes and the resulting product is deemed to be ciga-
6 rettes sold to a consumer for purposes of Tobacco Master
7 Settlement Agreement as set forth in article nine-b of this
8 chapter, enforcement of the Tobacco Master Settlement
9 Agreement as set forth in this article, tobacco products
10 excise tax as set forth in article seventeen of chapter eleven
11 of this code and reduced cigarette ignition propensity as set
12 forth in article twenty-five of chapter forty-seven of this
13 code.

(NOTE: The purpose of this bill to provide that any person who maintains a “roll your own” cigarette machine at a retail establishment is deemed a manufacturer of cigarettes and that the resulting product is deemed to be “cigarettes sold to a consumer” which would require payment of excise tax on the cigarettes.

§16-9D-11 is new; therefore, strike-throughs and underscoring have been omitted.)