

# H. B. 2992

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(BY DELEGATE WHITE)

[BY REQUEST OF THE TAX AND REVENUE DEPARTMENT]

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[Introduced March 20, 2013; referred to the  
Committee on the Judiciary then Finance.]

A BILL to repeal §60-9-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-9-4 and §60-9-6 of said code, all relating to eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

*Be it enacted by the Legislature of West Virginia:*

That §60-9-3 of the Code of West Virginia, 1931, as amended, be repealed; and that §60-9-4 and §60-9-6 of said code be amended and reenacted, all to read as follows:

**ARTICLE 9. CIGARETTES PRODUCED FOR EXPORT; IMPORTED CIGARETTES.**

**§60-9-4. Criminal penalties.**

- 1 Any person that commits any of the acts prohibited by
- 2 section two of this article, either knowing or having reason to

3 know he or she is doing so ~~or that fails to comply with any of the~~  
4 ~~requirements of section three of this article~~; is guilty of a felony  
5 and, upon conviction thereof, shall be fined not more than  
6 \$5,000, or imprisoned in a state correctional facility not more  
7 than five years, or both fined and imprisoned.

**§60-9-6. Unfair trade practices.**

1 A violation of section two ~~or section three~~ of this article  
2 constitutes an unlawful trade practice as provided in article  
3 eleven-a, chapter forty-seven of this code and, in addition to any  
4 remedies or penalties set forth in this article, is subject to any  
5 remedies or penalties for a violation of that article.

6 The Alcohol Beverage Control Commissioner shall enforce  
7 each and every provision of the Unfair Trade Practices Act ~~set~~  
8 ~~forth~~ in article eleven-a, chapter forty-seven of this code with  
9 respect to packages of cigarettes with like effect as if ~~said~~ that  
10 article were set forth in extenso herein.

NOTE: The purpose of this bill is to eliminate duplicative reporting requirements imposed on distributors of tobacco products.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.