BY: Judicial Proceedings Committee

<u>AMENDMENTS TO SENATE BILL NO. 305</u>
(First Reading File Bill)

<u>AMENDMENT NO. 1</u>

On page 1, in the sponsor line, strike "Senator Green" and substitute "<u>Senators Green and Forehand</u>".

<u>AMENDMENT NO. 2</u>

On page 2, in line 24, strike "that" and substitute "<u>such</u>"; in line 25, after "manufacturers" insert "<u>to</u>"; and in line 37, strike "of an equity ownership" and substitute "<u>thereof</u>".

<u>AMENDMENT NO. 3</u>

On page 3, in line 2, after "group" insert "<u>of persons</u>"; and strike in their entirety lines 16 through 20, inclusive, and substitute:

"<u>(2) "Cigarette" includes "roll-your-own" tobacco (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to or purchased by consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette", 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette".</u>".

<u>AMENDMENT NO. 4</u>

On page 3, in lines 25 and 26, strike "that:

(1)";

in line 26, in each instance, strike "has" and substitute "<u>having</u>"; in lines 27 and 28, strike "; and (2) (i)" and substitute "<u>where such arrangement</u>"; in line 28, strike the first "the" and substitute "<u>that such</u>"; in the same line, strike "to"; in line 29, strike the semicolon; in line 30, strike "(ii)"; and in line 32, strike "otherwise provided by this Act" and substitute "<u>consistent with § 3(b) of this Act</u>".

AMENDMENT NO. 5

On page 3, in line 33, strike "has the meaning stated" and substitute "means released claims as that term is defined"; and in line 35, strike "has the meaning stated" and substitute "means releasing parties as that term is defined".

AMENDMENT NO. 6

On page 4, in line 3, strike "1."; in line 5, strike ", except if the" and substitute "(except where such"; in line 7, strike "Agreement;" and substitute "Agreement)"; in line 8, strike "2." and substitute "that"; in line 9, strike the first "the" and substitute "such"; in line 10, strike "section" and substitute "subsection"; in the same line strike "; and" and substitute "and that"; in line 11, strike "3."; in the same line strike "section" and substitute "subsection"; in line 17, after "in" insert "subparagraph (i) or (ii) of"; in line 19, strike "does" and substitute "shall"; and in line 20, strike "the" and substitute "such".

AMENDMENT NO. 7

On page 4, in line 22, strike "Unit" and substitute "Units"; in line 24, after "intermediary" insert "or intermediaries"; in lines 24 and 25, strike "a year listed in § 3(a)(2) of this Act" and substitute "the year in question"; and in line 29, strike the second "the" and substitute "such".

AMENDMENT NO. 8

On page 4, in line 32, strike "As of the effective date of this Act, a" and substitute "Any"; in line 34, strike ", shall" and substitute "or intermediaries, after the effective date of this Act, shall either"; in line 36, strike "perform the" and substitute "generally perform its"; and in line 37, strike "for participating manufacturers".

AMENDMENT NO. 9

On page 5, in line 1, strike "deposit" and substitute "place"; in lines 1 and 2, strike "after the year specified in each of items (i) through (v) of this paragraph" and substitute "following the year in question"; in line 3, after "as" insert "such amounts are"; in lines 4, 6, 8 and 9, and 11, in each instance, strike "effective date" and substitute "date of enactment"; in lines 8 and 10, in each instance, after "for" insert "each of"; and in line 13, strike "effective date" and substitute "date of enactment of".

AMENDMENT NO. 10

On page 5, in line 14, strike "deposits" and substitute "places"; in line 17 after "funds" insert

"<u>themselves</u>"; in line 21, strike ", provided that funds" and substitute "<u>. Funds</u>"; in line 25, strike "the" and substitute "<u>such</u>"; and strike in their entirety lines 26 through 34, inclusive, and substitute:

        "<u>(ii) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the inflation adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco manufacturer; or</u>".

        On page 5, in line 35, strike "(3) To" and substitute "<u>(iii) to</u>"; and in line 37, strike the first "the" and substitute "<u>such</u>".

<u>AMENDMENT NO. 11</u>
        On page 6, in line 1, strike "A" and substitute "<u>Each</u>"; in line 2, strike "under" and substitute "<u>pursuant to</u>"; in line 3, strike "this section" and substitute "<u>§ 3(a)(2) and (b)</u>"; in line 9, strike the first "the" and substitute "<u>such</u>"; in the same line, strike the second "to" and substitute "<u>as will</u>"; in lines 11, 17, 20, and 26, in each instance, strike "this section" and substitute "<u>§ 3(a)(2) or (b)</u>"; in line 17, after "tobacco" insert "<u>product</u>"; in line 18, strike the second "the" and substitute "<u>such</u>"; in the same line, strike the second "to" and substitute "<u>as will</u>"; in line 28 after "intermediary" insert "<u>or intermediaries</u>"; strike in their entirety lines 32 and 33; and in lines 12 and 21, after "civil penalty", in each instance, insert "<u> , to be paid to the General Fund of the State</u>".