

SENATE BILL 72

Q7

(PRE-FILED)

4lr0711
CF HB 147

By: **Senators McCray and Lam**

Requested: September 26, 2023

Introduced and read first time: January 10, 2024

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco Tax Stamp Refunds – Loss Due to Theft**

3 FOR the purpose of authorizing a taxpayer to receive a refund for tobacco tax stamps
4 affixed to stolen property; requiring the taxpayer to provide the Comptroller with
5 certain documentation when making a claim for a refund; providing for a certain fine
6 for making a false claim; and generally relating to refunds for tobacco tax stamps.

7 BY repealing and reenacting, with amendments,

8 Article – Tax – General

9 Section 13–901(h)

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2023 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Tax – General**

15 13–901.

16 (h) **(1)** A claim for refund of tobacco tax may be filed by a claimant who buys
17 tobacco tax stamps that:

18 **[(1)] (I)** are affixed erroneously to anything other than a package of
19 cigarettes;

20 **[(2)] (II)** are affixed to a package of unsalable cigarettes;

21 **[(3)] (III)** are canceled by the Comptroller;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ~~[(4)]~~ (IV) if the claim is \$250 or more, are lost or destroyed in the State due
2 to fire, flood, or other disaster, vandalism, or malicious mischief[, except loss due to theft];
3 [or]

4 ~~[(5)]~~ (V) mutilated or damaged, whether or not affixed to a package of
5 cigarettes; OR

6 (VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ARE
7 LOST DUE TO THEFT.

8 (2) (I) A TAXPAYER MAY RECEIVE A REFUND FOR TOBACCO TAX
9 STAMPS LOST DUE TO THEFT BY PROVIDING TO THE COMPTROLLER:

10 1. A COPY OF THE POLICE REPORT WITH A DETAILED
11 INVENTORY OF THE STOLEN PROPERTY, INCLUDING WHEN THE PROPERTY WAS
12 ORDERED, LOADED ONTO THE TRUCK, AND STAMPED; AND

13 2. A NOTARIZED AFFIDAVIT SIGNED BY THE TAXPAYER
14 UNDER PENALTY OF PERJURY ATTESTING TO THE TRUTH OF THE INFORMATION
15 PROVIDED IN THE CLAIM FOR A REFUND.

16 (II) IF THE STOLEN PROPERTY IS RECOVERED, THE TAXPAYER
17 SHALL NOTIFY THE COMPTROLLER AND RETURN ANY REFUND RECEIVED UNDER
18 THIS PARAGRAPH.

19 (III) IN ADDITION TO OTHER PENALTIES AUTHORIZED BY LAW, A
20 TAXPAYER IS SUBJECT TO A FINE OF DOUBLE THE AMOUNT OF ANY TAX REFUND
21 RECEIVED UNDER THIS PARAGRAPH FOR MAKING A FALSE CLAIM.

22 (IV) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY
23 OUT THIS PARAGRAPH.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
25 1, 2024.