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HOUSE BILL 1191

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Justine Fox-Young

AN ACT

RELATING TO TAXATION; PROVIDING THAT STAMPS FOR CIGARETTE  
PACKAGES FOR EXCISE TAX PURPOSES BE AFFIXED BY DISTRIBUTORS  
WITHIN A REASONABLE TIME PERIOD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-12-5 NMSA 1978 (being Laws 1971,  
Chapter 77, Section 5, as amended) is amended to read:

"7-12-5. AFFIXING STAMPS.--

A. Except as provided in Section 7-12-6 NMSA 1978,  
all cigarettes shall be placed in packages or containers to  
which a stamp shall be affixed. Only a distributor with a  
valid license issued pursuant to the Cigarette Tax Act may  
purchase or obtain unaffixed tax-exempt stamps or tax stamps.  
A distributor shall not sell or provide unaffixed stamps to  
another distributor, manufacturer, export warehouse proprietor

underscored material = new  
~~[bracketed material] = delete~~

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1 or importer with a valid permit pursuant to 26 U.S.C. 5713 or  
2 any other person.

3 B. Stamps shall be affixed by the distributor to  
4 each package of cigarettes to be sold or distributed in New  
5 Mexico within [~~ten days~~] a reasonable time period of receipt of  
6 those packages.

7 C. A distributor shall apply stamps only to  
8 packages of cigarettes that it has received directly from a  
9 manufacturer or importer of cigarettes that possesses a valid  
10 and current permit pursuant to 26 U.S.C. 5713.

11 D. Packages shall contain cigarettes in lots of  
12 twenty or twenty-five.

13 E. Unless the requirements of this section are  
14 waived pursuant to Section 7-12-6 NMSA 1978, a tax stamp shall  
15 be affixed to each package of cigarettes subject to the  
16 cigarette tax and a tax-exempt stamp shall be affixed to each  
17 package of cigarettes not subject to the cigarette tax pursuant  
18 to Section 7-12-4 NMSA 1978.

19 F. A tax-exempt stamp is not an excise tax stamp  
20 for purposes of determining units sold pursuant to Section  
21 6-4-12 NMSA 1978.

22 G. Stamps shall be affixed inside the boundaries of  
23 New Mexico, unless the department has granted a license  
24 allowing a person to affix stamps outside New Mexico."

25 Section 2. EFFECTIVE DATE.--The effective date of the

.167767.1

underscored material = new  
[bracketed material] = delete

1 provisions of this act is July 1, 2007.

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