

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1299**

Introduced by Hughes, 24; Albrecht, 17; Bosn, 25; Brewer, 43; DeKay, 40;  
Hardin, 48; Kauth, 31; Linehan, 39; Meyer, 41; Murman, 38;  
von Gillern, 4.

Read first time January 16, 2024

Committee: Revenue

- 1 A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend
- 2 section 77-4008, Revised Statutes Supplement, 2023; to change the
- 3 tax rate on sales of electronic nicotine delivery systems; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-4008, Revised Statutes Supplement, 2023, is  
2 amended to read:

3 77-4008 (1)(a) A tax is hereby imposed upon the first owner of  
4 tobacco products to be sold in this state.

5 (b) The tax on snuff shall be forty-four cents per ounce and a  
6 proportionate tax at the like rate on all fractional parts of an ounce.  
7 Such tax shall be computed based on the net weight as listed by the  
8 manufacturer.

9 ~~(c) The tax on an electronic nicotine delivery system containing~~  
10 ~~three milliliters or less of consumable material shall be five cents per~~  
11 ~~milliliter of consumable material and a proportionate tax at the like~~  
12 ~~rate on all fractional parts of a milliliter.~~

13 (c) ~~(d)~~ The tax on an electronic nicotine delivery system containing  
14 ~~more than three milliliters of consumable material~~ shall be twenty ten  
15 percent of (i) the purchase price of such electronic nicotine delivery  
16 system paid by the first owner or (ii) the price at which the first owner  
17 who made, manufactured, or fabricated the electronic nicotine delivery  
18 system sells the item to others.

19 (d) ~~(e)~~ For electronic nicotine delivery systems in the possession  
20 of retail dealers for which tax has not been paid, the tax under this  
21 subsection shall be imposed at the earliest time the retail dealer: (i)  
22 Brings or causes to be brought into the state any electronic nicotine  
23 delivery system for sale; (ii) makes, manufactures, or fabricates any  
24 electronic nicotine delivery system in this state for sale in this state;  
25 or (iii) sells any electronic nicotine delivery system to consumers  
26 within this state.

27 (e) ~~(f)~~ The tax on tobacco products other than snuff and electronic  
28 nicotine delivery systems shall be twenty percent of (i) the purchase  
29 price of such tobacco products paid by the first owner or (ii) the price  
30 at which a first owner who made, manufactured, or fabricated the tobacco  
31 product sells the items to others.

1           (f) ~~(g)~~ The tax on tobacco products shall be in addition to all  
2 other taxes.

3           (2) Whenever any person who is licensed under section 77-4009  
4 purchases tobacco products from another person licensed under section  
5 77-4009, the seller shall be liable for the payment of the tax.

6           (3) Amounts collected pursuant to this section shall be used and  
7 distributed pursuant to section 77-4025.

8           Sec. 2. Original section 77-4008, Revised Statutes Supplement,  
9 2023, is repealed.