

CHAPTER 52—TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

AMENDMENTS

Table with 2 columns: Subchapter and Sec. 1. Rows include A. Definitions; rate and payment of tax; exemption from tax; and refund and drawback of tax (5701), B. Qualification requirements for manufacturers and importers of tobacco products and cigarette papers and tubes, and export warehouse proprietors (5711), C. Operations by manufacturers and importers of tobacco products and cigarette papers and tubes and export warehouse proprietors (5721), D. Occupational tax (5731), E. Records of manufacturers and importers of tobacco products and cigarette papers and tubes, and export warehouse proprietors (5741), F. General provisions (5751), G. Penalties and forfeitures (5761).

1965—Pub. L. 89-44, title V, §501(g), title VIII, §808(c)(2), June 21, 1965, 79 Stat. 150, 165, struck out item 5707 "Floor stocks refund on cigarettes" and inserted "Credit" before "refund" in item 5705. 1958—Pub. L. 85-859, title II, §202, Sept. 2, 1958, 72 Stat. 1414, added item 5708.

§ 5701. Rate of tax

(a) Cigars

On cigars, manufactured in or imported into the United States, there shall be imposed the following taxes:

(1) Small cigars

On cigars, weighing not more than 3 pounds per thousand, \$50.33 per thousand;

(2) Large cigars

On cigars weighing more than 3 pounds per thousand, a tax equal to 52.75 percent of the price for which sold but not more than 40.26 cents per cigar.

Cigars not exempt from tax under this chapter which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

(b) Cigarettes

On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

(1) Small cigarettes

On cigarettes, weighing not more than 3 pounds per thousand, \$50.33 per thousand;

(2) Large cigarettes

On cigarettes, weighing more than 3 pounds per thousand, \$105.69 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(c) Cigarette papers

On cigarette papers, manufactured in or imported into the United States, there shall be imposed a tax of 3.15 cents for each 50 papers or fractional part thereof; except that, if cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(d) Cigarette tubes

On cigarette tubes, manufactured in or imported into the United States, there shall be imposed a tax of 6.30 cents for each 50 tubes or fractional part thereof, except that if cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(e) Smokeless tobacco

On smokeless tobacco, manufactured<sup>1</sup> in or imported into the United States, there shall be imposed the following taxes:

AMENDMENTS

1997—Pub. L. 105-33, title IX, §9302(g)(3)(C), (h)(2)(D), Aug. 5, 1997, 111 Stat. 673, 674, amended chapter heading generally, substituting "TOBACCO PRODUCTS" for "CIGARS, CIGARETTES, SMOKELESS TOBACCO, PIPE TOBACCO," and inserted "and importers" after "manufacturers" in item for subchapter B.

1988—Pub. L. 100-647, title V, §5061(c)(3), Nov. 10, 1988, 102 Stat. 3680, inserted "PIPE TOBACCO," after "SMOKELESS TOBACCO," in chapter heading.

1987—Pub. L. 100-203, title X, §10512(f)(2), Dec. 22, 1987, 101 Stat. 1330-449, added item for subchapter D and redesignated items for former subchapters D, E, and F as E, F, and G, respectively.

1986—Pub. L. 99-272, title XIII, §13202(b)(1), Apr. 7, 1986, 100 Stat. 311, inserted "SMOKELESS TOBACCO," after "CIGARETTES," in chapter heading.

1976—Pub. L. 94-455, title XXI, §2128(d)(2), Oct. 4, 1976, 90 Stat. 1921, substituted "manufacturers and importers" for "manufacturers" in item for subchapter D.

1965—Pub. L. 89-44, title V, §502(b)(1), (2), June 21, 1965, 79 Stat. 150, struck out "TOBACCO," from chapter heading, reference to dealers in tobacco materials from heading of subchapter B, heading of subchapter D and redesignated subchapters E, F and G as D, E and F respectively, and struck out in heading of subchapter D (as redesignated) a reference to dealers in tobacco materials.

1958—Pub. L. 85-859, title II, §202, Sept. 2, 1958, 72 Stat. 1414, substituted "manufacturers of tobacco products and cigarette papers and tubes, export warehouse proprietors, and" for "manufacturers of articles and" in heading of subchapters B and E, "manufacturers and importers of tobacco products and cigarette papers and tubes and export warehouse proprietors" for "manufacturers of articles" in heading of subchapter C, and "Penalties and forfeitures" for "Fines, penalties and forfeitures" in heading of subchapter G.

Subchapter A—Definitions; Rate and Payment of Tax; Exemption From Tax; and Refund and Drawback of Tax

Table with 2 columns: Sec. and Description. Rows include 5701. Rate of tax., 5702. Definitions., 5703. Liability for tax and method of payment., 5704. Exemption from tax., 5705. Credit, refund, or allowance of tax., 5706. Drawback of tax., [5707. Repealed.] 5708. Losses caused by disaster.

<sup>1</sup> Section numbers editorially supplied.

<sup>1</sup> So in original. Probably should be "manufactured".