
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 910

**Assembly Substitute
Amendment 1**

2023 ASSEMBLY BILL 910

2023 Assembly Bill 910 directs that no person may engage in the remote retail sale of cigars or pipe tobacco without a permit issued by the Department of Revenue (DOR), and requires the collection of excise tax on such sales based on the actual cost of cigars and pipe tobacco to the remote retail seller, or, if unavailable, based on the average of costs over the prior year. The bill also directs remote retail sellers to maintain records, register and collect sales taxes when sales into the state exceed \$100,000, and use an independent third-party age verification system to determine whether a prospective buyer is 21 years of age.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Based in part on recommendations from DOR, Assembly Substitute Amendment 1 retains the general permit requirements of the bill, but revises the manner in which excise taxes are imposed on sales by remote retail sellers. Among its provisions, notable changes in the substitute amendment include expansion of the definition of “actual cost,” deletion of authority to calculate excise tax based on average costs, required collection of sales tax regardless of the extent of sales into the state, and specification that a remote retail seller must use of an age verification system to determine whether a prospective consumer has attained the minimum age for purchasing a tobacco product under the federal Food, Drug, and Cosmetic Act.

BILL HISTORY

2023 Assembly Bill 910 was introduced by Representative Swearingen on January 4, 2024. On February 6, 2024, Representative Swearingen offered Assembly Substitute Amendment 1 to Assembly Bill 910. On February 7, 2024, the Assembly Committee on Jobs, Economy and Small Business Development recommended adoption of Assembly Substitute Amendment 1 and passage of Assembly Bill 981, as amended, on successive votes of Ayes, 11; Noes, 0.

For a full history of the bill, visit the Legislature’s [bill history page](#).

SG:jal