

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 50161. Definitions.

As used in this Act, unless the context clearly requires otherwise:

(a) “Brand family” means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, “menthol,” “lights,” “kings,” and “100s” and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

(b) “Cigarette” has the same meaning as in 3 CMC § 2171(D).

(c) “Director” means the duly appointed head of the Division of Revenue and Taxation, Department of Finance.

(d) “Distributor” means a person, wherever resident or located, who purchases non-tax-paid cigarettes and stores, sells, or otherwise disposes of the cigarettes in the Commonwealth.

(e) “Master Settlement Agreement” has the same meaning as in 3 CMC § 2171(E).

(f) “Non-participating Manufacturer” means any tobacco product manufacturer that is not a participating manufacturer.

(g) “Participating Manufacturer” has the meaning given that term in Section II Cjj) of the Master Settlement Agreement and all amendments thereto.

(h) “Qualified Escrow Fund” has the same meaning as that term is defined in 3 CMC § 2171(F).

(i) “Tobacco Product Manufacturer” has the same meaning as that term is defined in 3 CMC § 2171(I).

(j) “Units Sold” has the same meaning as that term is defined in 3 CMC § 2171(J).

(k) “Wholesale Agency” means any person that is required to pay the excise tax on tobacco imposed pursuant to 4 CMC § 1402(a)(16) and 4 CMC § 402(a)(17), as amended. This includes any business in possession of a Class 1 Wholesale Agent’s License from the Department of Commerce.

Source: PL 14-10, § 2, modified.

Commission Comment: The Commission changed the capitalization of words throughout the section above and substituted the proper section numbers in place of general references in subsections (b), (e), (h), (i), and (j) above pursuant to its authority by 1 CMC § 3806(f) and (d), respectively. PL 14-10 took effect on May 28, 2004 and contained the following findings, in addition to severability and savings provisions and amendments to 3 CMC §§ 2171 and 2172:

Section 1. **Findings.** The Legislature finds that violations of Public Law 13-15, the Model Escrow Statute, threaten the integrity of the Tobacco Master Settlement Agreement, the fiscal soundness of the Commonwealth, and the public health. The Legislature finds that enacting

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procedural enhancements is necessary to aid the enforcement of the Model Escrow Statute and thereby safeguard the Master Settlement Agreement, the fiscal soundness of the Commonwealth, and the public health.