



General Assembly

Amendment

February Session, 2002

LCO No. 5403

SB0031005403SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

To: Subst. Senate Bill No. 310

File No. 510

Cal. No. 50

**"AN ACT REQUIRING THE PROVISION OF COVERAGE FOR
SMOKING CESSATION UNDER THE MEDICAID PROGRAM."**

1 After the last section, insert the following:

2 "Sec. 2. Section 12-295a of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) If the Commissioner of Revenue Services finds, after a hearing,
5 that a minor has purchased cigarettes or tobacco products, said
6 commissioner shall assess such minor a civil penalty of not more than
7 fifty dollars for the first violation and not more than one hundred
8 dollars for any second or subsequent offense.

9 (b) If said commissioner finds, after a hearing, that any person
10 employed by a dealer or distributor, as defined in section 12-285, has
11 sold, given or delivered cigarettes or tobacco products to a minor other
12 than a minor who is delivering or accepting delivery in his or her
13 capacity as an employee, said commissioner shall assess such person a
14 civil penalty of one hundred dollars for the first violation and one

15 hundred fifty dollars for a second or subsequent violation within
16 eighteen months.

17 (c) If said commissioner finds, after a hearing, that any dealer or
18 distributor has sold, given or delivered cigarettes or tobacco products
19 to a minor other than a minor who is delivering or accepting delivery
20 in his or her capacity as an employee, or such dealer or distributor's
21 employee has sold, given or delivered cigarettes or tobacco products to
22 such minor, said commissioner shall assess such dealer or distributor a
23 civil penalty of [two hundred fifty] five hundred dollars for the first
24 violation. [and five hundred dollars for a second violation within
25 eighteen months.] For a [third] second violation within eighteen
26 months, such dealer or distributor shall be assessed a civil penalty of
27 [five hundred] one thousand dollars and any license held by such
28 dealer or distributor under this chapter shall be suspended for not less
29 than [thirty] ninety days. For a third violation within thirty-six months,
30 such dealer or distributor shall be assessed a civil penalty of one
31 thousand five hundred dollars and any license held by such dealer
32 shall be suspended for not less than one hundred eighty days.

33 (d) If said commissioner finds, after a hearing, that any owner of an
34 establishment in which a cigarette vending machine or restricted
35 cigarette vending machine is located has sold, given or delivered
36 cigarettes or tobacco products from any such machine to a minor other
37 than a minor who is delivering or accepting delivery in his or her
38 capacity as an employee, or has allowed cigarettes or tobacco products
39 to be sold, given or delivered to such minor from any such machine,
40 said commissioner shall assess such dealer or distributor a civil
41 penalty of [two hundred fifty] five hundred dollars for the first
42 violation. [and five hundred dollars for a second violation within
43 eighteen months.] For a [third] second violation within eighteen
44 months, such dealer or distributor shall be assessed a civil penalty of
45 [five hundred] one thousand dollars and any such machine shall be
46 immediately removed from such establishment and no such machine
47 may be placed in such establishment for a period of one year following
48 such removal. For a third violation within thirty-six months, such

49 dealer or distributor shall be assessed a civil penalty of one thousand
50 five hundred dollars and any such machine shall be immediately
51 removed from such establishment and no such machine may be placed
52 in such establishment for a period of five years following such
53 removal.

54 (e) Any person aggrieved by any action of the commissioner
55 pursuant to this section may take any appeal of such action as
56 provided in sections 12-311 and 12-312."