



General Assembly

January Session, 2003

Raised Bill No. 1091

LCO No. 3951

Referred to Committee on General Law

Introduced by:
(GL)

**AN ACT CONCERNING THE UNLAWFUL DELIVERY OF
CIGARETTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2003*) (a) No person engaged in the
2 business of selling cigarettes shall ship or transport or cause to be
3 shipped or transported any cigarettes to any person in this state except
4 to: (1) A cigarette distributor or dealer; (2) an export warehouse
5 proprietor pursuant to Chapter 52 of the Internal Revenue Code of
6 1986, or any subsequent corresponding internal revenue code of the
7 United States, as from time to time amended, or an operator of a
8 customs bonded warehouse pursuant to 19 USC 1311 or 1555; or (3) a
9 person who is an officer, employee or agent of the United States
10 Government, this state or a department, agency, instrumentality or
11 political subdivision of the United States or of this state, when such
12 person is acting in accordance with such person's official duties. As
13 used in this subsection, "cigarette distributor or dealer" means a person
14 licensed as a cigarette distributor under section 12-288 of the general
15 statutes or licensed as a dealer under section 12-287 of the general
16 statutes or a person whose name appears on a list of licensed

17 distributors and dealers published by the Commissioner of Revenue
18 Services. Notwithstanding the provisions of section 12-15 of the
19 general statutes, the Commissioner of Revenue Services shall publish
20 on the Internet website of the Department of Revenue Services a list of
21 every cigarette distributor or dealer.

22 (b) No common or contract carrier shall knowingly transport
23 cigarettes to a residential dwelling or to any person in this state who
24 the common or contract carrier reasonably believes is not a person
25 described in subdivisions (1) to (3), inclusive, of subsection (a) of this
26 section. No person other than a common or contract carrier shall
27 knowingly transport cigarettes to any person in this state who is not a
28 person described in subdivisions (1) to (3), inclusive, of subsection (a)
29 of this section.

30 (c) When a person engaged in the business of selling cigarettes ships
31 or transports or causes to be shipped or transported any cigarettes to
32 any person in this state, other than in the cigarette manufacturer's
33 original container or wrapping, the container or wrapping must be
34 plainly and visibly marked with the word "cigarettes".

35 (d) Whenever any cigarettes have been or are being shipped or
36 transported in violation of this section, such cigarettes are declared to
37 be contraband goods and the confiscation, search and forfeiture
38 provisions of section 12-305 of the general statutes shall apply.

39 (e) Any person who violates the provisions of this section shall be
40 guilty of a class A misdemeanor and, for a second or subsequent
41 violation, shall be guilty of a class D felony.

42 (f) The Commissioner of Revenue Services may impose a civil
43 penalty of not more than five thousand dollars for each violation of
44 this section. For purposes of this subsection, each shipment or
45 transport of cigarettes shall constitute a separate violation. The
46 Attorney General, upon request of the commissioner, may bring an
47 action in the superior court for the judicial district of Hartford to

48 collect such fine and for any injunctive or equitable relief.

This act shall take effect as follows:	
Section 1	July 1, 2003

Statement of Purpose:

To prevent the sale of cigarettes to minors and to prevent loss of revenue to this state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]