



General Assembly

**Substitute Bill No. 1091**

*January Session, 2003*

**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.  
13 Notwithstanding the provisions of section 12-15 of the general statutes,  
14 the Commissioner of Revenue Services shall publish on the Internet  
15 website of the Department of Revenue Services a list of every cigarette  
16 distributor or dealer. As used in this subsection, "cigarette distributor  
17 or dealer" means a person licensed as a cigarette distributor under  
18 section 12-288 of the general statutes or licensed as a dealer under  
19 section 12-287 of the general statutes or a person whose name appears  
20 on a list of licensed distributors and dealers published by the  
21 Commissioner of Revenue Services.

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 shall 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 Legislative Commissioners:**

The definition of "cigarette distributor or dealer" in subsection (a) was moved for clarity and "must" in subsection (c) was changed to "shall" for consistency.

**GL**        *Joint Favorable Subst.-LCO*