



General Assembly

Substitute Bill No. 1140

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". Any person
35 engaged in the business of selling cigarettes who ships or causes to be
36 shipped any cigarettes to any person in this state (1) shall require, as a
37 condition of delivery, that the customer who is receiving the cigarettes
38 shall sign an acknowledgment of receipt and provide proper proof of
39 age, and (2) may not sell such cigarettes to such customer unless such
40 proof of age is provided.

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

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

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

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

55 Sec. 2. (NEW) (*Effective July 1, 2003*) No person engaged in the
56 business of selling cigarettes shall ship or transport or cause to be
57 shipped or transported any cigarettes to any person in this state unless
58 such person engaged in such business is registered with the
59 Commissioner of Revenue Services and has paid a fee of five thousand
60 dollars. Such registration shall be renewed annually according to
61 procedures established by the commissioner.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>

FIN *Joint Favorable Subst.*