



General Assembly

**Amendment**

January Session, 2003

LCO No. 6955

\*SB0114006955SD0\*

Offered by:

SEN. DAILY, 33<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 1140

File No. 726

Cal. No. 476

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

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

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

32 (c) When a person engaged in the business of selling cigarettes ships  
33 or transports or causes to be shipped or transported any cigarettes to  
34 any described person in this state, other than in the cigarette  
35 manufacturer's original container or wrapping, the container or  
36 wrapping shall be plainly and visibly marked with the word  
37 "cigarettes". Any person engaged in the business of selling cigarettes  
38 who ships or causes to be shipped any cigarettes to any described  
39 person in this state (1) shall require, as a condition of delivery, that the  
40 customer who is receiving the cigarettes shall sign an acknowledgment  
41 of receipt and provide proper proof of age, and (2) may not sell such  
42 cigarettes to such customer unless such proof of age is provided. For  
43 purposes of this subsection, "described person" means a person  
44 described in subdivisions (1) to (3), inclusive, of subsection (a) of this  
45 section.

46 (d) Whenever any cigarettes have been or are being shipped or  
47 transported in violation of this section, such cigarettes are declared to  
48 be contraband goods and the confiscation, search and forfeiture

49 provisions of section 12-305 of the general statutes shall apply.

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

53 (f) The Commissioner of Revenue Services may impose a civil  
54 penalty of not more than five thousand dollars for each violation of  
55 this section. For purposes of this subsection, each shipment or  
56 transport of cigarettes shall constitute a separate violation. The  
57 Attorney General, upon request of the commissioner, may bring an  
58 action in the superior court for the judicial district of Hartford to  
59 collect such fine and for any injunctive or equitable relief. In any action  
60 brought by the Attorney General to enforce the provisions of this act,  
61 the state shall be entitled to recover, when it is the prevailing party, the  
62 costs of investigation, expert witness fees, costs of the action, and  
63 reasonable attorneys' fees.

64 Sec. 2. (NEW) (*Effective October 1, 2004*) (a) Every tobacco product  
65 manufacturer, as defined in section 4-28h of the general statutes,  
66 selling cigarettes to consumers within this state, whether directly or  
67 through a distributor, dealer, or similar intermediary or  
68 intermediaries, shall secure a cigarette manufacturer's license from the  
69 Commissioner of Revenue Services. Such license shall be renewable  
70 annually. The annual fee for a cigarette manufacturer's license shall be  
71 five thousand dollars.

72 (b) The commissioner shall not issue or reissue a cigarette  
73 manufacturer's license to an applicant if any of the following  
74 conditions apply: (1) The applicant is neither (A) a participating  
75 manufacturer, as defined in Subsection II(jj) of the Master Settlement  
76 Agreement, as defined in section 4-28h of the general statutes, nor (B)  
77 in full compliance with section 4-28i of the general statutes; (2) the  
78 applicant has imported cigarettes into the United States in violation of  
79 19 USC 1681a; or (3) the applicant has imported or manufactured  
80 cigarettes that do not fully comply with the Federal Cigarette Labeling

81 and Advertising Act, 15 USC 1331 et seq.

82 (c) Such license shall be valid for a period beginning with the date of  
83 license to the thirtieth day of September next succeeding the date of  
84 license unless sooner revoked in the same manner provided in section  
85 12-295 for revocation of the license of a dealer or distributor or unless  
86 the person to whom it was issued discontinues business. Upon  
87 revocation or discontinuance of business, the holder of the license shall  
88 immediately return such license to the commissioner. In the event of  
89 mutilation or destruction of such license, a duplicate copy, marked as  
90 such, shall be issued by said commissioner upon application  
91 accompanied by a fee of five dollars."

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>October 1, 2004</i>