



General Assembly

Substitute Bill No. 440

January Session, 2005

* SB00440JUD 041505 *

AN ACT CONCERNING THE PENALTIES FOR DISTRIBUTORS WHO VIOLATE PROVISIONS REGULATING THE SALE OF CIGARETTES.

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

1 Section 1. Section 12-295 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The commissioner may suspend or revoke the license of any
4 dealer or distributor for failure to comply with any provision of this
5 chapter or regulations related thereto or for the sale or delivery of
6 tobacco in any form to a minor under eighteen years of age, following
7 a hearing with respect to which notice in writing, specifying the time
8 and place of such hearing and requiring such dealer or distributor to
9 show cause why such license should not be revoked, is mailed or
10 delivered to such dealer or distributor not less than ten days preceding
11 the date of such hearing. Such notice may be served personally or by
12 registered or certified mail.

13 (b) If the commissioner finds, after a hearing as provided in
14 subsection (a) of this section, that a dealer [or distributor] has violated
15 any provision of sections 12-326a to 12-326h, inclusive, the
16 commissioner shall, for a first violation, suspend such dealer's [or
17 distributor's] license for not less than seven days and assess a civil
18 penalty of not less than one thousand dollars and, for a second or
19 subsequent violation within a five-year period, [the commissioner

20 shall] suspend such dealer's [or distributor's] license for not less than
21 thirty days and assess a civil penalty of not less than five thousand
22 dollars. The commissioner shall order such dealer [or distributor] to
23 conspicuously post a notice in a public place stating that cigarettes
24 cannot be sold during the period of such suspension and the reason
25 therefor. Any sale of cigarettes by such dealer [or distributor] during
26 the period of such suspension shall be deemed an additional violation
27 of said sections.

28 (c) If the commissioner finds, after a hearing as provided in
29 subsection (a) of this section, that a distributor has violated any
30 provision of sections 12-326a to 12-326h, inclusive, the commissioner
31 shall (1) for a first violation, suspend such distributor's license for not
32 less than seven days and assess a civil penalty of not more than ten
33 thousand dollars, (2) for a second violation within a five-year period,
34 suspend such distributor's license for not less than thirty days and
35 assess a civil penalty of not more than twenty-five thousand dollars,
36 and (3) for a subsequent violation within a five-year period, revoke
37 such distributor's license and assess a civil penalty of not more than
38 fifty thousand dollars. The commissioner shall order such distributor
39 to conspicuously post a notice in a public place stating that cigarettes
40 cannot be sold during the period of such suspension and the reason
41 therefor. Any sale of cigarettes by such distributor during the period of
42 such suspension shall be deemed an additional violation of said
43 sections.

44 [(c)] (d) The commissioner shall not issue a new license to a former
45 licensee whose license was revoked unless the commissioner is
46 satisfied that such former licensee will comply with the provisions of
47 this chapter or regulations related thereto.

48 Sec. 2. Section 12-326g of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2005*):

50 (a) Any dealer violating any provision of sections 12-326a to 12-
51 326h, inclusive, shall be fined not [less] more than two hundred fifty

