



Substitute House Bill No. 7139

Public Act No. 07-175

AN ACT INCREASING PENALTIES FOR THE SALE OF CIGARETTES OR TOBACCO PRODUCTS TO MINORS.

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

Section 1. Section 12-295a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) If the Commissioner of Revenue Services finds, after a hearing, that a minor has purchased cigarettes or tobacco products, said commissioner shall assess such minor a civil penalty of not more than [fifty] one hundred dollars for the first violation and not more than one hundred fifty dollars for any second or subsequent offense.

(b) If said commissioner finds, after a hearing, that any person employed by a dealer or distributor, as defined in section 12-285, has sold, given or delivered cigarettes or tobacco products to a minor other than a minor who is delivering or accepting delivery in his capacity as an employee, said commissioner shall assess such person a civil penalty of [one] two hundred dollars for the first violation and [one] two hundred fifty dollars for a second or subsequent violation within eighteen months.

(c) If said commissioner finds, after a hearing, that any dealer or distributor has sold, given or delivered cigarettes or tobacco products

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to a minor other than a minor who is delivering or accepting delivery in his capacity as an employee, or such dealer or distributor's employee has sold, given or delivered cigarettes or tobacco products to such minor, said commissioner shall assess such dealer or distributor a civil penalty of [two hundred fifty] three hundred dollars for the first violation and [five hundred] seven hundred fifty dollars for a second violation within eighteen months. For a third violation within eighteen months, such dealer or distributor shall be assessed a civil penalty of [five hundred] seven hundred fifty dollars and any license held by such dealer or distributor under this chapter shall be suspended for not less than thirty days.

(d) If said commissioner finds, after a hearing, that any owner of an establishment in which a cigarette vending machine or restricted cigarette vending machine is located has sold, given or delivered cigarettes or tobacco products from any such machine to a minor other than a minor who is delivering or accepting delivery in his capacity as an employee, or has allowed cigarettes or tobacco products to be sold, given or delivered to such minor from any such machine, said commissioner shall assess such [dealer or distributor] owner a civil penalty of [two hundred fifty] five hundred dollars for the first violation and [five hundred] seven hundred fifty dollars for a second violation within eighteen months. For a third violation within eighteen months, such [dealer or distributor] owner shall be assessed a civil penalty of [five hundred] seven hundred fifty dollars and any such machine shall be immediately removed from such establishment and no such machine may be placed in such establishment for a period of one year following such removal.

(e) Any person aggrieved by any action of the commissioner pursuant to this section may take any appeal of such action as provided in sections 12-311 and 12-312.

Sec. 2. Section 12-286a of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Each distributor and each dealer, as defined in section 12-285, shall place and maintain in legible condition at each point of sale of cigarettes to consumers, including the front of each vending machine, and each restricted cigarette vending machine a notice which states (1) that the sale, giving or delivering of tobacco products, including cigarettes, to any person under eighteen years of age is prohibited by section 53-344, (2) the purchase or misrepresentation of age by a person under eighteen years of age to purchase cigarettes or tobacco products is prohibited by said section 53-344, and (3) the penalties and fines for violating said section 53-344 and section 12-295a, as amended by this act.

(b) Any person who violates subsection (a) of this section shall be fined not more than one hundred dollars.

(c) The Commissioner of Consumer Protection may investigate any alleged violation of the provisions of subsection (a) of this section and, if there appears to be reasonable cause therefor, on reasonable notice to any person accused of any such violation, may make complaint to the prosecuting authority having jurisdiction of any such complaint or may, after notice and a hearing as provided in section 20-321, fine a distributor or dealer who violates said subsection (a) one hundred dollars per violation. Each day a distributor or dealer fails to post a notice in violation of subsection (a) of this section shall be a separate violation.

Approved July 5, 2007