



General Assembly

Amendment

February Session, 2016

LCO No. 5823



Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 18

File No. 600

Cal. No. 399

(As Amended)

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 53-344 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2017*):

5 (a) As used in this section:

6 (1) "Cardholder" means any person who presents a driver's license
7 or an identity card to a seller or seller's agent or employee, to purchase
8 or receive tobacco from such seller or seller's agent or employee;

9 (2) "Identity card" means an identification card issued in accordance
10 with the provisions of section 1-1h;

11 (3) "Transaction scan" means the process by which a seller or seller's
12 agent or employee checks, by means of a transaction scan device, the

13 validity of a driver's license or an identity card; and

14 (4) "Transaction scan device" means any commercial device or
15 combination of devices used at a point of sale that is capable of
16 deciphering in an electronically readable format the information
17 encoded on the magnetic strip or bar code of a driver's license or an
18 identity card.

19 (b) Any person who sells, gives or delivers to any minor [under
20 eighteen years of age] tobacco, unless the minor is delivering or
21 accepting delivery in such person's capacity as an employee, in any
22 form shall be fined not more than two hundred dollars for the first
23 offense, not more than three hundred fifty dollars for a second offense
24 within an eighteen-month period and not more than five hundred
25 dollars for each subsequent offense within an eighteen-month period.

26 (c) Any [person under eighteen years of age] minor who purchases
27 or misrepresents such person's age to purchase tobacco in any form or
28 possesses tobacco in any form in any public place shall be fined not
29 more than fifty dollars for the first offense and not less than fifty
30 dollars or more than one hundred dollars for each subsequent offense.
31 For purposes of this subsection, "public place" means any area that is
32 used or held out for use by the public whether owned or operated by
33 public or private interests.

34 (d) (1) A seller or seller's agent or employee may perform a
35 transaction scan to check the validity of a driver's license or identity
36 card presented by a cardholder as a condition for selling, giving away
37 or otherwise distributing tobacco to the cardholder.

38 (2) If the information deciphered by the transaction scan performed
39 under subdivision (1) of this subsection fails to match the information
40 printed on the driver's license or identity card presented by the
41 cardholder, or if the transaction scan indicates that the information so
42 printed is false or fraudulent, neither the seller nor any seller's agent or
43 employee shall sell, give away or otherwise distribute any tobacco to
44 the cardholder.

45 (3) Subdivision (1) of this subsection does not preclude a seller or
46 seller's agent or employee from using a transaction scan device to
47 check the validity of a document other than a driver's license or an
48 identity card, if the document includes a bar code or magnetic strip
49 that may be scanned by the device, as a condition for selling, giving
50 away or otherwise distributing tobacco to the person presenting the
51 document.

52 (e) (1) No seller or seller's agent or employee shall electronically or
53 mechanically record or maintain any information derived from a
54 transaction scan, except the following: (A) The name and date of birth
55 of the person listed on the driver's license or identity card presented by
56 a cardholder; (B) the expiration date and identification number of the
57 driver's license or identity card presented by a cardholder.

58 (2) No seller or seller's agent or employee shall use a transaction
59 scan device for a purpose other than the purposes specified in
60 subsection (e) of section 53-344b, subsection (d) of this section or
61 subsection (c) of section 30-86.

62 (3) No seller or seller's agent or employee shall sell or otherwise
63 disseminate the information derived from a transaction scan to any
64 third party, including, but not limited to, selling or otherwise
65 disseminating that information for any marketing, advertising or
66 promotional activities, but a seller or seller's agent or employee may
67 release that information pursuant to a court order.

68 (4) Nothing in subsection (d) of this section or this subsection
69 relieves a seller or seller's agent or employee of any responsibility to
70 comply with any other applicable state or federal laws or rules
71 governing the sale, giving away or other distribution of tobacco.

72 (5) Any person who violates this subsection shall be subject to a civil
73 penalty of not more than one thousand dollars.

74 (f) (1) In any prosecution of a seller or seller's agent or employee for
75 a violation of subsection (b) of this section, it shall be an affirmative

76 defense that all of the following occurred: (A) A cardholder attempting
 77 to purchase or receive tobacco presented a driver's license or an
 78 identity card; (B) a transaction scan of the driver's license or identity
 79 card that the cardholder presented indicated that the license or card
 80 was valid; and (C) the tobacco was sold, given away or otherwise
 81 distributed to the cardholder in reasonable reliance upon the
 82 identification presented and the completed transaction scan.

83 (2) In determining whether a seller or seller's agent or employee has
 84 proven the affirmative defense provided by subdivision (1) of this
 85 section, the trier of fact in such prosecution shall consider that
 86 reasonable reliance upon the identification presented and the
 87 completed transaction scan may require a seller or seller's agent or
 88 employee to exercise reasonable diligence and that the use of a
 89 transaction scan device does not excuse a seller or seller's agent or
 90 employee from exercising such reasonable diligence to determine the
 91 following: (A) Whether a person to whom the seller or seller's agent or
 92 employee sells, gives away or otherwise distributes tobacco is eighteen
 93 years of age or older; and (B) whether the description and picture
 94 appearing on the driver's license or identity card presented by a
 95 cardholder is that of the cardholder.

96 (g) (1) For purposes of this section, for the period from July 1, 2017,
 97 to June 30, 2018, "minor" means any person who is under nineteen
 98 years of age. (2) For purposes of this section, for the period from July 1,
 99 2018, to June 30, 2019, "minor" means any person who is under twenty
 100 years of age. (3) For purposes of this section, on and after July 1, 2019,
 101 "minor" means any person who is under twenty-one years of age."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2017	53-344