

5374

Sponsor(s): Senators Constantine, Winsley, Prentice and McCaslin

Brief Description: Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, personal care products, nonprescription drugs, or medical devices. (REVISED FOR ENGROSSED: Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices.)

SB 5374.E - DIGEST

(DIGEST AS ENACTED)

Provides that no unused property merchant shall offer at an unused property market for sale or knowingly permit the sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices. This section does not apply to a person who keeps available for public inspection a written authorization identifying that person as an authorized representative of the manufacturer or distributor of such product, as long as the authorization is not false, fraudulent, or fraudulently obtained.

Does not apply to: (1) Business conducted in any industry or association trade show; or

(2) Anyone who sells by sample, catalog, or brochure for future delivery.

Declares that: (1) A first violation of this chapter is a misdemeanor;

(2) A second violation of this chapter within five years is a gross misdemeanor;

(3) A third or subsequent violation of this chapter within five years is a class C felony.