

5926

Sponsor(s): Senators Esser, Poulsen, Schmidt, Eide, Finkbeiner and Oke

Brief Description: Regulating the sale of cigarettes.

SB 5926 - DIGEST

(SEE ALSO PROPOSED 1ST SUB)

Provides that no person shall mail, ship, or otherwise deliver cigarettes in connection with a delivery sale unless prior to the first delivery sale to the consumer the person: (1) Obtains from the prospective consumer a certification that includes: (a) A reliable confirmation that the consumer is at least the legal minimum purchase age; and (b) a statement signed by the prospective consumer in writing that certifies the prospective consumer's address and that the consumer is at least eighteen years of age;

(2) Makes a good faith effort to verify the information contained in the certification provided by the prospective consumer pursuant to this act against a commercially available data base, or obtains a photocopy or other image of the valid, government-issued identification stating the date of birth or age of the individual placing the order;

(3) Provides to the prospective consumer, via e-mail or other means, a notice that meets the requirements of this act;

(4) In the case of an order for cigarettes pursuant to an advertisement on the internet, receives payment for the delivery sale from the prospective consumer by a credit or debit card that has been issued in the consumer's name or by check.

Declares that a first violation of any provision of this act is punishable by a fine of one thousand dollars or five times the retail value of the cigarettes involved, whichever is greater. A second or subsequent violation of any provision of this act is punishable by a fine of five thousand dollars or five times the retail value of the cigarettes involved, whichever is greater.

Provides that the attorney general or his or her designee, or any person who holds a valid permit under 26 U.S.C. Sec. 5712, may bring an action in the appropriate court in the state to prevent or restrain violations of this act by any person, or any person controlling the person.