

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 411
Committee Substitute Reported Without Prejudice 4/27/99

Short Title: Prohibit Certain Cigarette Sales.

(Local)

Sponsors:

Referred to:

March 11, 1999

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT THE SALE OF CERTAIN PACKAGES OF CIGARETTES.

The General Assembly of North Carolina enacts:

Section 1. Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-400.18. Prohibit the sale of certain packages of cigarettes; penalties.

(a) The following definitions apply in this section:

(1) Cigarette. – As defined in G.S. 105-113.4(1a).

(2) Package. – As defined in G.S. 105-113.4(7).

(b) It is unlawful to sell or hold for sale any package of cigarettes if any of the following circumstances exist:

(1) The package differs in any respect with the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. § 1331, et seq.), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States.

(2) The package is labeled 'For Export Only,' 'U.S. Tax Exempt,' 'For Use Outside U.S.,' or similar wording indicating that the manufacturer did not intend that the product be sold in the United States.

- 1 (3) The package, or a package containing individually stamped packages,
2 was altered by adding or deleting the wording, labels, or warnings
3 described in subdivision (1) or (2) of this subsection.
- 4 (4) The package was imported into the United States after January 1, 2000,
5 in violation of 26 U.S.C. § 5754.
- 6 (5) The package in any way violates federal trademark or copyright laws.
- 7 (c) Any person who sells or holds for sale cigarette packages in violation of
8 subsection (b) of this section is guilty of a Class 1 misdemeanor.
- 9 (d) In addition to any other penalties provided by law:
- 10 (1) The Attorney General may seize and destroy or sell to the manufacturer,
11 only for export, any packages that do not comply with subsection (b) of
12 this section.
- 13 (2) The Secretary of Revenue may revoke any license pertaining to the sale
14 or distribution of cigarettes or other tobacco products, including, but not
15 limited to, any license issued pursuant to G.S. 105-113.4A, from any
16 person who sells or holds for sale a cigarette package in violation of
17 subsection (b) of this section.
- 18 (e) A violation of subsection (b) of this section is an unfair trade practice as
19 prohibited by G.S. 75-1.1."

20 Section 2. If any provision of this act or its application to any person or
21 circumstance is held invalid, the remainder of the act or the application of the provision
22 to other persons or circumstances is not affected.

23 Section 3. This act becomes effective December 1, 1999, and applies to
24 offenses committed on or after that date.