



Bill Title: Mail Order Tobacco Products
Bill Number: SSB 5340
Effective Date: July 26, 2009
Creates three new sections in RCW 70

Background:

The sale of cigarettes to a minor and the purchase of cigarettes by a minor is a violation of state law. In Washington, under the Delivery Sale of Cigarettes statute, a person who mails, ships or otherwise delivers cigarettes must verify the age of the receiver of cigarettes upon delivery. In addition, a person who mails, ships, or otherwise delivers cigarettes must contract only with carriers who employ delivery agents who will verify that the receiver of the cigarettes is not a minor upon delivery.

Summary:

The new law repeals the cigarette delivery sale statute. A person may not ship tobacco products, other than cigars weighing more than three pounds for 1,000 units, purchased by mail or through the internet to anyone in Washington other than a licensed wholesaler or retailer. A person may not, with knowledge, provide substantial assistance to someone violating this tobacco shipping restriction.

The "Internet" is defined to mean computer, telephonic, or other electronic networks.

The Attorney General may seek an injunction to restrain a threatened or actual violation of the tobacco shipping restriction. In addition to any civil or criminal remedy provided by law, a violation of the tobacco shipping restriction is:

- Punishable as an unranked class C felony for knowing a violation, except the maximum fine is \$5,000;
- Subject to a civil penalty of up to \$5,000 for each violating shipment, to be imposed by the Attorney General in an action in superior court; and
- Subject to a Consumer Protection Act action, if the action is brought by the Attorney General.

A court may order a violator to release their profits or other gains to be paid to the state Treasurer for deposit in the state General Fund. The state is entitled to recover costs of investigation, expert witness fees, costs of the action, and reasonable attorney's fees in any action brought under the tobacco shipping restrictions.