**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3195**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. R.L. Brown

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Cigarettes

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑85

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑85

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3195_20081216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑506 SO AS TO PROVIDE IT IS ILLEGAL FOR A PERSON ENGAGED IN THE BUSINESS OF SELLING TOBACCO PRODUCTS TO SHIP OR TRANSPORT A CIGARETTE TO A PERSON IN THIS STATE WHO IS NOT A LAWFUL RECIPIENT, TO DEFINE A LAWFUL RECIPIENT, TO REQUIRE PROOF OF AGE BY A LAWFUL RECIPIENT, AND TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16‑17‑506. (A) For the purposes of this section, a ‘lawful recipient’ means a person:

(1) licensed to sell or distribute a cigarette under Article 7, Chapter 21, Title 12;

(2) permitted under federal law to act as an export warehouse proprietor or a customs bonded warehouse; or

(3) acting in his official capacity as an officer, employee, or agent of the United States Government, this State, or a political subdivision of the United States Government or this State.

(B) A person engaged in the business of selling or distributing cigarettes may not ship or transport, or cause to be shipped or transported, a cigarette to a person in this State who in not a lawful recipient.

(C) A person engaged in the business of selling or distributing cigarettes who ships or transports, or causes to be shipped or transported, a cigarette to a person who is not a lawful recipient shall require, as a condition of delivery, that the lawful recipient sign an acknowledgement of receipt and provide proper proof that the recipient is not under eighteen years of age. Proper proof of age includes a passport, state‑issued motor vehicle operator’s license, or state‑issued identification card.

(D) A person violating this section is subject to a civil penalty of one‑hundred dollars for a first violation, five‑hundred dollars for a second violation, and one thousand dollars for a third or subsequent violation.”

SECTION 2. This act takes effect upon approval by the Governor.

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