

[First Reprint]

SENATE, No. 2741

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 26, 2001

Sponsored by:

Senator LOUIS F. KOSCO

District 38 (Bergen)

Co-Sponsored by:

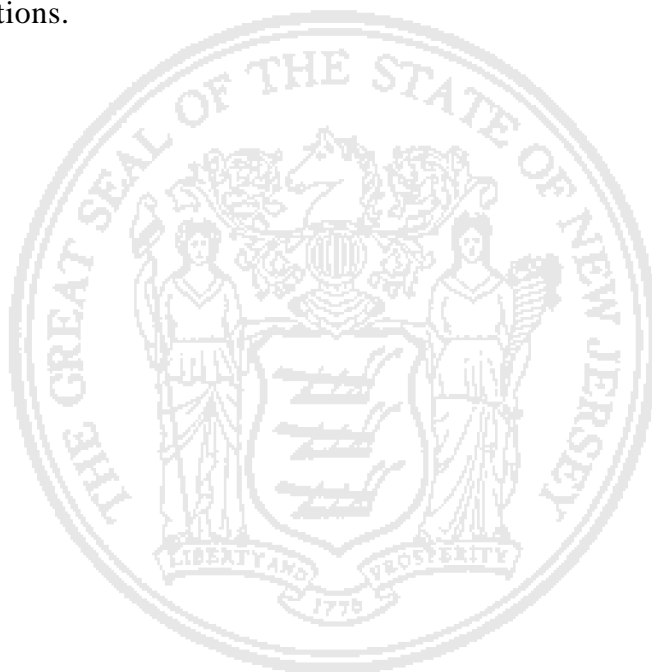
Assemblymen Merkt and Gregg

SYNOPSIS

Revises law delineating cigarette packages to which tax stamp may not be affixed.

CURRENT VERSION OF TEXT

As amended on January 7, 2002 by the Senate pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 1/8/2002)

1 AN ACT concerning cigarette packages to which the affixation of
2 cigarette tax stamps is prohibited, amending P.L.1948, c.65.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 405 of P.L.1948, c.65 (C.54:40A-15) is amended to
8 read as follows:

9 405. Distributors to affix stamps.

10 a. Unless stamps have been previously affixed, the stamps required
11 by this act shall be affixed to packages of cigarettes and canceled by
12 the licensed distributor within twenty-four hours of the receipt of all
13 unstamped cigarettes, exclusive of Saturdays, Sundays and legal
14 holidays, and prior to any and all deliveries except deliveries to points
15 outside the State, deliveries by manufacturers to licensed distributors
16 and those deliveries which this State is prohibited from taxing under
17 the Constitution or the statutes of the United States.

18 b. Cigarette packages to which stamps shall not be affixed.

19 A distributor shall not affix a stamp to a package of cigarettes if the
20 package:

21 (1) does not comply with all requirements imposed by or pursuant
22 to federal law regarding warnings and other information on packages
23 of cigarettes manufactured, packaged or imported for sale, distribution
24 or use in the United States, including but not limited to the permanent
25 imprinting on the primary packaging of such cigarettes of the package
26 warning labels in the text and formats specified by subsections (a) and
27 (b), respectively, of section 4 of the "Federal Cigarette Labeling and
28 Advertising Act," Pub.L.89-92, 15 U.S.C. [s.1331 et seq., for the
29 placement of labels, warnings or any other information for a package
30 of cigarettes to be sold within the United States] s.1333, and the
31 rotation of such labels in accordance with the provisions of subsection
32 (c) of that section;

33 (2) is labeled "For Export Only," "U.S. Tax Exempt," "For use
34 Outside U.S.," or other wording indicating that the manufacturer did
35 not intend that the product be sold in the United States;

36 (3) has been altered, through placement of a sticker on the package
37 or other means, by adding or deleting wording, labels, or warnings
38 described in paragraph (1) or paragraph (2) of this subsection;

39 (4) contains cigarettes with respect to which no list of ingredients
40 used in their manufacture has been provided to the Secretary of Health
41 and Human Services as required by subsection (a) of section 7 of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate amendments adopted in accordance with Governor's recommendations
January 7, 2002.

1 Pub.L.89-92, 15 U.S.C. s.1335a;

2 (5) has been imported into the United States after January 1, 2000
3 in violation of 19 U.S.C. s.1681a or 26 U.S.C.s.5754; or

4 ~~[(5)]~~ (6) in any way violates federal trademark or copyright laws.
5 (cf: P.L.1999, c.328, s.1)

6

7 ¹[2. Section 607 of P.L.1948, c.65 (C.54:40A-30) is amended to
8 read as follows:

9 607. Unstamped cigarettes subject to confiscation.

10 a. All cigarettes, subject to the tax imposed by this act, to which
11 stamps have not been affixed, as required by this act, and all cigarettes
12 stamped in violation of subsection b. of section 405 of P.L.1948, c.65
13 (C.54:40A-15) found in any place in this State are declared to be
14 prima facie contraband goods and may be seized by the director, the
15 director's agents or employees, or by any peace officer of this State,
16 when directed by the director so to do, without a warrant.

17 b. The director may upon satisfactory proof direct the return of any
18 unstamped confiscated cigarettes when the director shall have reason
19 to believe that the owner thereof has not willfully or intentionally
20 evaded any tax imposed by this act. Any unstamped cigarettes seized
21 under the provisions of this act shall be disposed of according to law.
22 Any purchaser of such cigarettes shall be required to affix stamps as
23 required by this act.

24 c. The director shall destroy any seized cigarettes that have been
25 stamped in violation of subsection b. of section 405 of P.L.1948, c.65
26 (C.54:40A-15)[; provided however that as an alternative the director
27 may resell such cigarettes to the manufacturer, but such cigarettes
28 shall be resold only for export or destruction].

29 d. The seizure and sale of any cigarettes under the provisions of
30 this section shall not relieve any person from a fine, imprisonment or
31 other penalty for violation of any of the provisions of this act. The
32 director, the director's agents, employees, and any peace officer of this
33 State, when directed so to do, shall not in any way be responsible in
34 any court for the seizure or the confiscation of any unstamped or
35 illegally stamped packages of cigarettes.

36 (cf: P.L.1999, c.328, s.6)]¹

37

38 ¹[3.] 2.¹ This act shall take effect immediately.

SENATE, No. 2741

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 26, 2001

Sponsored by:

Senator LOUIS F. KOSCO

District 38 (Bergen)

Co-Sponsored by:

Assemblymen Merkt and Gregg

SYNOPSIS

Revises law delineating cigarette packages to which tax stamp may not be affixed.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2002)

S2741 KOSCO

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2 cigarette tax stamps is prohibited, amending P.L.1948, c.65.

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11 by this act shall be affixed to packages of cigarettes and canceled by
12 the licensed distributor within twenty-four hours of the receipt of all
13 unstamped cigarettes, exclusive of Saturdays, Sundays and legal
14 holidays, and prior to any and all deliveries except deliveries to points
15 outside the State, deliveries by manufacturers to licensed distributors
16 and those deliveries which this State is prohibited from taxing under
17 the Constitution or the statutes of the United States.

18 b. Cigarette packages to which stamps shall not be affixed.

19 A distributor shall not affix a stamp to a package of cigarettes if the
20 package:

21 (1) does not comply with all requirements imposed by or pursuant
22 to federal law regarding warnings and other information on packages
23 of cigarettes manufactured, packaged or imported for sale, distribution
24 or use in the United States, including but not limited to the permanent
25 imprinting on the primary packaging of such cigarettes of the package
26 warning labels in the text and formats specified by subsections (a) and
27 (b), respectively, of section 4 of the "Federal Cigarette Labeling and
28 Advertising Act," Pub.L.89-92, 15 U.S.C. [s.1331 et seq., for the
29 placement of labels, warnings or any other information for a package
30 of cigarettes to be sold within the United States] s.1333, and the
31 rotation of such labels in accordance with the provisions of subsection
32 (c) of that section;

33 (2) is labeled "For Export Only," "U.S. Tax Exempt," "For use
34 Outside U.S.," or other wording indicating that the manufacturer did
35 not intend that the product be sold in the United States;

36 (3) has been altered, through placement of a sticker on the package
37 or other means, by adding or deleting wording, labels, or warnings
38 described in paragraph (1) or paragraph (2) of this subsection;

39 (4) contains cigarettes with respect to which no list of ingredients
40 used in their manufacture has been provided to the Secretary of Health
41 and Human Services as required by subsection (a) of section 7 of
42 Pub.L.89-92, 15 U.S.C. s.1335a;

43 (5) has been imported into the United States after January 1, 2000

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Matter underlined thus is new matter.

S2741 KOSCO

3

1 in violation of 19 U.S.C. s.1681a or 26 U.S.C.s.5754; or
2 ~~[(5)]~~ (6) in any way violates federal trademark or copyright laws.
3 (cf: P.L.1999, c.328, s.1)

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5 2. Section 607 of P.L.1948, c.65 (C.54:40A-30) is amended to
6 read as follows:

7 607. Unstamped cigarettes subject to confiscation.

8 a. All cigarettes, subject to the tax imposed by this act, to which
9 stamps have not been affixed, as required by this act, and all cigarettes
10 stamped in violation of subsection b. of section 405 of P.L.1948, c.65
11 (C.54:40A-15) found in any place in this State are declared to be
12 prima facie contraband goods and may be seized by the director, the
13 director's agents or employees, or by any peace officer of this State,
14 when directed by the director so to do, without a warrant.

15 b. The director may upon satisfactory proof direct the return of any
16 unstamped confiscated cigarettes when the director shall have reason
17 to believe that the owner thereof has not willfully or intentionally
18 evaded any tax imposed by this act. Any unstamped cigarettes seized
19 under the provisions of this act shall be disposed of according to law.
20 Any purchaser of such cigarettes shall be required to affix stamps as
21 required by this act.

22 c. The director shall destroy any seized cigarettes that have been
23 stamped in violation of subsection b. of section 405 of P.L.1948, c.65
24 (C.54:40A-15)~~]; provided however that as an alternative the director~~
25 may resell such cigarettes to the manufacturer, but such cigarettes
26 shall be resold only for export or destruction~~].~~

27 d. The seizure and sale of any cigarettes under the provisions of
28 this section shall not relieve any person from a fine, imprisonment or
29 other penalty for violation of any of the provisions of this act. The
30 director, the director's agents, employees, and any peace officer of this
31 State, when directed so to do, shall not in any way be responsible in
32 any court for the seizure or the confiscation of any unstamped or
33 illegally stamped packages of cigarettes.

34 (cf: P.L.1999, c.328, s.6)

35

36 3. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill amends the "Cigarette Tax Act" to revise its prohibition
42 against the affixation of tax stamps to packages that, irrespective of
43 whether or not the tax has been paid, meet any of certain listed
44 descriptions. Under the bill:

45 (1) The list is broadened to include packages containing cigarettes
46 for which no schedule of manufacturing ingredients has been filed with

S2741 KOSCO

1 the U.S. Secretary of Health and Human Services, as required under
2 the "Federal Cigarette Labeling and Advertising Act." In conjunction
3 with this change, the text of the description of another category
4 already included on the list (packages containing cigarettes not
5 compliant with the federal Act's "Surgeon General's Warning" label
6 requirements) is reworded to refer more explicitly to the particular
7 federal statutory provision covering that warning label;

8 (2) The list is further broadened to include imported cigarettes that
9 violate other federal requirements, including a requirement that the
10 owner of any U.S. trademark on the cigarettes have consented to their
11 importation; and

12 (3) The description of another currently included category, that of
13 packages on which there has been an alteration either of the health
14 warning label or a separately required label indicating that the package
15 was intended for foreign sale, is revised to include specific reference
16 to alteration through placement of a sticker on the package.

17 In addition, the bill eliminates the discretion of the Director of the
18 Division of Taxation to resell, instead of having to destroy, any
19 cigarettes confiscated as a result of having been stamped in violation
20 of the statutory prohibition.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2741

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Commerce Committee reports favorably Senate Bill No. 2741.

This bill amends the "Cigarette Tax Act" to revise its prohibition against the affixation of tax stamps to packages that, irrespective of whether or not the tax has been paid, do not comply with the law. The bill:

(1) Prohibits New Jersey cigarette excise tax stamps from being applied to any cigarette package that does not comply with federal cigarette labeling law, including federal warning label requirements and federal trademark and copyright laws.

(2) Clarifies that the placement of a sticker over certain required federal labels on a cigarette package is a prohibited alteration of the package.

(3) Prohibits New Jersey cigarette excise tax stamps from being applied to any package that contains cigarettes for which any person is not in compliance with the cigarette ingredients disclosure requirement of the "Federal Cigarette Labeling and Advertising Act."

(4) Prohibits New Jersey cigarette excise tax stamps from being applied to cigarettes imported into the United States in violation of the federal "Imported Cigarette Compliance Act of 2000."

(5) Eliminates the discretion of the Director of the Division of Taxation to resell, instead of having to destroy, any cigarettes confiscated as a result of having been stamped in violation of the statutory prohibition.

ASSEMBLY, No. 3836

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 8, 2001

Sponsored by:

Assemblyman RICK MERKT

District 25 (Morris)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Revises law delineating cigarette packages to which tax stamp may not be affixed.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning cigarette packages to which the affixation of
2 cigarette tax stamps is prohibited, amending P.L.1948, c.65.

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5 of New Jersey:

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11 by this act shall be affixed to packages of cigarettes and canceled by
12 the licensed distributor within twenty-four hours of the receipt of all
13 unstamped cigarettes, exclusive of Saturdays, Sundays and legal
14 holidays, and prior to any and all deliveries except deliveries to points
15 outside the State, deliveries by manufacturers to licensed distributors
16 and those deliveries which this State is prohibited from taxing under
17 the Constitution or the statutes of the United States.

18 b. Cigarette packages to which stamps shall not be affixed.

19 A distributor shall not affix a stamp to a package of cigarettes if the
20 package:

21 (1) does not comply with all requirements imposed by or pursuant
22 to federal law regarding warnings and other information on packages
23 of cigarettes manufactured, packaged or imported for sale, distribution
24 or use in the United States, including but not limited to the permanent
25 imprinting on the primary packaging of such cigarettes of the package
26 warning labels in the text and formats specified by subsections (a) and
27 (b), respectively, of section 4 of the "Federal Cigarette Labeling and
28 Advertising Act," Pub.L.89-92, 15 U.S.C. [s.1331 et seq., for the
29 placement of labels, warnings or any other information for a package
30 of cigarettes to be sold within the United States] s.1333, and the
31 rotation of such labels in accordance with the provisions of subsection
32 (c) of that section;

33 (2) is labeled "For Export Only," "U.S. Tax Exempt," "For use
34 Outside U.S.," or other wording indicating that the manufacturer did
35 not intend that the product be sold in the United States;

36 (3) has been altered, through placement of a sticker on the package
37 or other means, by adding or deleting wording, labels, or warnings
38 described in paragraph (1) or paragraph (2) of this subsection;

39 (4) contains cigarettes with respect to which no list of ingredients
40 used in their manufacture has been provided to the Secretary of Health
41 and Human Services as required by subsection (a) of section 7 of
42 Pub.L.89-92, 15 U.S.C. s.1335a;

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Matter underlined thus is new matter.

1 (5) has been imported into the United States after January 1, 2000
2 in violation of 19 U.S.C. s.1681a or 26 U.S.C.s.5754; or

3 [(5)] (6) in any way violates federal trademark or copyright laws.
4 (cf: P.L.1999, c.328, s.1)

5

6 2. Section 607 of P.L.1948, c.65 (C.54:40A-30) is amended to
7 read as follows:

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9 a. All cigarettes, subject to the tax imposed by this act, to which
10 stamps have not been affixed, as required by this act, and all cigarettes
11 stamped in violation of subsection b. of section 405 of P.L.1948, c.65
12 (C.54:40A-15) found in any place in this State are declared to be
13 prima facie contraband goods and may be seized by the director, the
14 director's agents or employees, or by any peace officer of this State,
15 when directed by the director so to do, without a warrant.

16 b. The director may upon satisfactory proof direct the return of
17 any unstamped confiscated cigarettes when the director shall have
18 reason to believe that the owner thereof has not willfully or
19 intentionally evaded any tax imposed by this act. Any unstamped
20 cigarettes seized under the provisions of this act shall be disposed of
21 according to law. Any purchaser of such cigarettes shall be required
22 to affix stamps as required by this act.

23 c. The director shall destroy any seized cigarettes that have been
24 stamped in violation of subsection b. of section 405 of P.L.1948, c.65
25 (C.54:40A-15) [; provided however that as an alternative the director
26 may resell such cigarettes to the manufacturer, but such cigarettes
27 shall be resold only for export or destruction].

28 d. The seizure and sale of any cigarettes under the provisions of
29 this section shall not relieve any person from a fine, imprisonment or
30 other penalty for violation of any of the provisions of this act. The
31 director, the director's agents, employees, and any peace officer of this
32 State, when directed so to do, shall not in any way be responsible in
33 any court for the seizure or the confiscation of any unstamped or
34 illegally stamped packages of cigarettes.

35 (cf: P.L.1999, c.328, s.6)

36

37 3. This act shall take effect immediately.

38

39

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STATEMENT

41

42 This bill amends the "Cigarette Tax Act" to revise its prohibition
43 against the affixation of tax stamps to packages that, irrespective of
44 whether or not the tax has been paid, meet any of certain listed
45 descriptions. Under the bill:

1 (1) The list is broadened to include packages containing cigarettes
2 for which no schedule of manufacturing ingredients has been filed with
3 the U.S. Secretary of Health and Human Services, as required under
4 the "Federal Cigarette Labeling and Advertising Act." In conjunction
5 with this change, the text of the description of another category
6 already included on the list (packages containing cigarettes not
7 compliant with the federal Act's "Surgeon General's Warning" label
8 requirements) is reworded to refer more explicitly to the particular
9 federal statutory provision covering that warning label;

10 (2) The list is further broadened to include imported cigarettes that
11 violate other federal requirements, including a requirement that the
12 owner of any U.S. trademark on the cigarettes have consented to their
13 importation; and

14 (3) The description of another currently included category, that of
15 packages on which there has been an alteration either of the health
16 warning label or a separately required label indicating that the package
17 was intended for foreign sale, is revised to include specific reference
18 to alteration through placement of a sticker on the package.

19 In addition, the bill eliminates the discretion of the Director of the
20 Division of Taxation to resell, instead of having to destroy, any
21 cigarettes confiscated as a result of having been stamped in violation
22 of the statutory prohibition.

ASSEMBLY COMMERCE, TOURISM, GAMING AND
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3836

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee reports favorably Assembly, No. 3836.

This bill amends the "Cigarette Tax Act" to revise its prohibition against the affixation of tax stamps to packages of cigarettes that meet any of certain listed descriptions. Under the bill:

(1) The list is broadened to include packages containing cigarettes for which no schedule of manufacturing ingredients has been filed with the U.S. Secretary of Health and Human Services, as required under the "Federal Cigarette Labeling and Advertising Act." In conjunction with this change, the text of the description of another category already included on the list (packages containing cigarettes not compliant with the federal Act's "Surgeon General's Warning" label requirements) is reworded to refer more explicitly to the particular federal statutory provision covering that warning label;

(2) The list is further broadened to include imported cigarettes that violate other federal requirements, including a requirement that the owner of any U.S. trademark on the cigarettes have consented to their importation; and

(3) The description of another currently included category, that of packages on which there has been an alteration either of the health warning label or a separately required label indicating that the package was intended for foreign sale, is revised to include specific reference to alteration through placement of a sticker on the package.

In addition, the bill eliminates the discretion of the Director of the Division of Taxation to resell, instead of having to destroy, any cigarettes confiscated as a result of having been stamped in violation of the statutory prohibition.

SENATE BILL NO. 2741

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2741 with my recommendations for reconsideration.

A. Summary of Bill

This bill amends the "Cigarette Tax Act" to revise its prohibition against the affixation of tax stamps to packages that, irrespective of whether or not the tax has been paid, do not comply with the law. The bill:

(1) Prohibits New Jersey cigarette excise tax stamps from being applied to any cigarette package that does not comply with federal cigarette labeling law, including federal warning label requirements and federal trademark and copyright laws.

(2) Clarifies that the placement of a sticker over certain required federal labels on a cigarette package is a prohibited alteration of the package.

(3) Prohibits New Jersey cigarette excise tax stamps from being applied to any package that contains cigarettes for which any person is not in compliance with the cigarette ingredients disclosure requirement of the "Federal Cigarette Labeling and Advertising Act."

(4) Prohibits New Jersey cigarette excise tax stamps from being applied to cigarettes imported into the United States in violation of the federal "Imported Cigarette Compliance Act of 2000."

(5) Eliminates the discretion of the Director of the Division of Taxation to resell, instead of having to destroy, any cigarettes confiscated as a result of having been stamped in violation of the statutory prohibition.

B. Recommended Action

This bill is an important step toward ensuring that regulation of cigarette distribution within the State is consistent with federal requirements. It must be clear that the requirements for affixation of a New Jersey excise tax stamp will be strictly enforced and this bill will clearly further that objective. Nonetheless, I am constrained to return this bill with my recommendation for reconsideration.

Currently, when cigarettes are seized for having been stamped in violation of the Cigarette Tax Act, the Director of the Division of Taxation may either destroy those cigarettes or resell them to the manufacturer for destruction or export only. The revenue derived by the Division of Taxation from these sales is used by the Division to partially fund its enforcement of the Act. Thus, elimination of that revenue would hinder enforcement, thereby contradicting the objectives of this bill.

Therefore, I herewith return Senate Bill No. 2741 and recommend that it be amended as follows:

Page 3, Section 2, Lines 24-26:

Delete **A**]; provided however that as an alternative the director may resell such cigarettes to the manufacturer, but such cigarettes shall be resold only for export or destruction]**A** and insert **A**; provided however that as an alternative the director may resell such cigarettes to the manufacturer, but such cigarettes shall be resold only for export or destruction@

Respectfully,

Donald T. DiFrancesco
Acting Governor, Senate President

Attest:

James A. Harkness
Chief Counsel to the Governor

P.L. 2001, CHAPTER 396, *approved January 8, 2002*

Senate, No. 2741 (*First Reprint*)

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2 cigarette tax stamps is prohibited, amending P.L.1948, c.65.

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38 described in paragraph (1) or paragraph (2) of this subsection;

39 (4) contains cigarettes with respect to which no list of ingredients

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Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate amendments adopted in accordance with Governor's recommendations
January 7, 2002.

1 used in their manufacture has been provided to the Secretary of Health
2 and Human Services as required by subsection (a) of section 7 of
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5 in violation of 19 U.S.C. s.1681a or 26 U.S.C.s.5754; or

6 [(5)] (6) in any way violates federal trademark or copyright laws.
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24 Any purchaser of such cigarettes shall be required to affix stamps as
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26 c. The director shall destroy any seized cigarettes that have been
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29 may resell such cigarettes to the manufacturer, but such cigarettes
30 shall be resold only for export or destruction].

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36 any court for the seizure or the confiscation of any unstamped or
37 illegally stamped packages of cigarettes.

38 (cf: P.L.1999, c.328, s.6)]¹

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40 ¹[3.] 2.¹ This act shall take effect immediately.

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45 Revises law delineating cigarette packages to which tax stamp may not
46 be affixed.

CHAPTER 396

AN ACT concerning cigarette packages to which the affixation of cigarette tax stamps is prohibited, amending P.L.1948, c.65.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 405 of P.L.1948, c.65 (C.54:40A-15) is amended to read as follows:

C.54:40A-15 Distributors to affix stamps.

405. Distributors to affix stamps.

a. Unless stamps have been previously affixed, the stamps required by this act shall be affixed to packages of cigarettes and canceled by the licensed distributor within twenty-four hours of the receipt of all unstamped cigarettes, exclusive of Saturdays, Sundays and legal holidays, and prior to any and all deliveries except deliveries to points outside the State, deliveries by manufacturers to licensed distributors and those deliveries which this State is prohibited from taxing under the Constitution or the statutes of the United States.

b. Cigarette packages to which stamps shall not be affixed.

A distributor shall not affix a stamp to a package of cigarettes if the package:

(1) does not comply with all requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged or imported for sale, distribution or use in the United States, including but not limited to the permanent imprinting on the primary packaging of such cigarettes of the package warning labels in the text and formats specified by subsections (a) and (b), respectively, of section 4 of the "Federal Cigarette Labeling and Advertising Act," Pub.L.89-92, 15 U.S.C. s.1333, and the rotation of such labels in accordance with the provisions of subsection (c) of that section;

(2) is labeled "For Export Only," "U.S. Tax Exempt," "For use Outside U.S.," or other wording indicating that the manufacturer did not intend that the product be sold in the United States;

(3) has been altered, through placement of a sticker on the package or other means, by adding or deleting wording, labels, or warnings described in paragraph (1) or paragraph (2) of this subsection;

(4) contains cigarettes with respect to which no list of ingredients used in their manufacture has been provided to the Secretary of Health and Human Services as required by subsection (a) of section 7 of Pub.L.89-92, 15 U.S.C. s.1335a;

(5) has been imported into the United States after January 1, 2000 in violation of 19 U.S.C. s.1681a or 26 U.S.C.s.5754; or

(6) in any way violates federal trademark or copyright laws.

2. This act shall take effect immediately.

Approved January 8, 2002.