

Senate Bill No. 605

(By Senators Edgell, Facemire, Prezioso and Plymale)

[Introduced March 22, 2013; referred to the Committee on the
Judiciary.]

A BILL to repeal §60-9-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-9-4 and §60-9-6 of said code, all relating to eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

Be it enacted by the Legislature of West Virginia:

That §60-9-3 of the Code of West Virginia, 1931, as amended, be repealed; and that §60-9-4 and §60-9-6 of said code be amended and reenacted, all to read as follows:

ARTICLE 9. CIGARETTES PRODUCED FOR EXPORT; IMPORTED CIGARETTES.

§60-9-4. Criminal penalties.

Any person that commits any of the acts prohibited by section two of this article, either knowing or having reason to know he or she is doing so ~~or that fails to comply with any of the requirements of section three of this article,~~ is guilty of a

1 felony and, upon conviction thereof, shall be fined not more than
2 \$5,000, or imprisoned in a state correctional facility not more
3 than five years, or both fined and imprisoned.

4 **§60-9-6. Unfair trade practices.**

5 A violation of section two ~~or section three~~ of this article
6 constitutes an unlawful trade practice as provided in article
7 eleven-a, chapter forty-seven of this code and, in addition to any
8 remedies or penalties set forth in this article, is subject to any
9 remedies or penalties for a violation of that article.

10 The Alcohol Beverage Control Commissioner shall enforce each
11 and every provision of the Unfair Trade Practices Act ~~set forth~~ in
12 article eleven-a, chapter forty-seven of this code with respect to
13 packages of cigarettes with like effect as if ~~said~~ that article
14 were set forth in extenso herein.

NOTE: The purpose of this bill is to eliminate duplicative reporting requirements imposed on distributors of tobacco products.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.