

By: Holland, Mitchell

To: Ways and Means

HOUSE BILL NO. 390  
(As Passed the House)

1 AN ACT TO PROHIBIT DECEPTIVE PACKAGING RELATING TO STAMPING  
2 PACKAGES OF CIGARETTES; TO PROVIDE PENALTIES FOR VIOLATIONS; AND  
3 FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) It shall be unlawful to affix a Mississippi  
6 revenue stamp, including any local municipal or county stamp, to  
7 or upon any package of cigarettes or to sell or hold for sale any  
8 package of cigarettes to which a Mississippi revenue stamp,  
9 including any local municipal or county stamp, has been affixed  
10 if:

11 (a) The package differs in any respect with the  
12 requirements of the Federal Cigarette Labeling and Advertising  
13 Act, 15 USCS 1331 et seq., for the placement of labels, warnings,  
14 or any other information upon a package of cigarettes that is to  
15 be sold within the United States;

16 (b) The package is labeled "For Export Only," "United  
17 States Tax Exempt," "For Use Outside United States," or similar  
18 wording indicating that the manufacturer did not intend that the  
19 product be sold in the United States;

20 (c) The package, or a package containing individually  
21 stamped packages, has been altered by adding or deleting the  
22 wording, labels, or warnings described in (a) or (b) above;

23 (d) The package has been imported into the United  
24 States after January 1, 2000, in violation of 26 USCS 5754; or

25 (e) The package in any way violates federal trademark  
26 of copyright laws.

27           (2) Any person who violates this section shall be fined not  
28 more than One Thousand Dollars (\$1,000.00) or imprisoned for not  
29 more than one (1) year, or both. In addition to such fine and  
30 imprisonment, a person who violates this section is subject to the  
31 revocation of any license or permit pertaining to the sale of  
32 cigarettes or other tobacco products and to the seizure and  
33 destruction or sale of any cigarettes by law enforcement officers  
34 as provided by law.

35           SECTION 2. This act shall take effect and be in force from  
36 and after July 1, 2000.