



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo Announces New Law to Strengthen Enforcement of Cigarette Shipping Law

CHARLES J. FUSCHILLO JR. September 27, 2013

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Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that legislation he sponsored to strengthen enforcement of New York State's law against shipping cigarettes has been signed into law by Governor Andrew Cuomo. The new law closes a loophole which allowed individuals caught illegally shipping cigarettes through a law enforcement "sting" operation to escape prosecution.

"Illegal cigarette shipments hurt law abiding businesses, steal revenue from state and local governments, and make it easier for cigarettes to fall into the hands of young children. Individuals caught illegally selling and shipping cigarettes to undercover law enforcement officers should not be able to escape without any consequences for their actions. Strengthening the law by closing the loophole and increasing the penalties will enhance New York's efforts to prevent illegal cigarette trafficking. I applaud Governor Cuomo for signing this legislation," said Senator Fuschillo.

New York State prohibits shipments of cigarettes to anyone in New York State who is not a licensed cigarette dealer. The law was enacted to help prevent underage children from being able to purchase cigarettes over the Internet, as well as curb the sale of untaxed cigarettes which harm law abiding New York businesses. Those convicted face a maximum fine of up to \$5,000 per violation.

However, the original law had a clause which allowed cigarettes to be shipped to a government employee acting in accordance with their official duties. This created the possibility of someone caught illegally shipping cigarettes to an undercover law enforcement officer avoiding prosecution by claiming that the officer purchased the cigarettes as a government agent in accordance with their official duties.

The new law authored by Senator Fuschillo closes this loophole by clarifying that the exemption applies only to a government agent acting in the performance of his or her duties who identifies themselves as such. Additionally, it enhances the penalties so that offenders will be subject to a maximum fine of \$5,000 or \$100 per pack of illegally shipped cigarettes, whichever is greater. The New York State Attorney General can bring legal action against offenders to recover the fines.

“The City of New York has been at the forefront of protecting the public health and eliminating youth smoking through its efforts to curb illegal cigarette trafficking. The additional tools provided under this new law will strengthen the City's role in these areas and allow us to expand our enforcement in partnership with the Attorney General,” said New York City Mayor Michael Bloomberg, a strong supporter of the legislation.

The Medical Society of the State of New York, in a memo supporting the legislation, noted that “this measure will enhance New York State’s ability to prevent shipment of tobacco products to underage people and will reduce the sale of untaxed cigarettes, protecting public health while, at the same time, increasing tax collections.”

The new law took effect immediately after it was signed.