

Civil Penalties - Current and Proposed

Section	Existing or Proposed Gist	Civil Penalty - Current	Civil Penalty - Proposed
64C, §§5 & 11	Records required to be kept by wholesalers, retailers	n/a	for hindering, etc. inspection or otherwise violating - NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §10 (a)	Acting as retailer, wholesaler, etc. without being licensed	for cigars/smoking tobacco only NMT \$5,000;	NMT \$5,000;
64C, §10 (a)	Acting as unclassified acquirer without being licensed	for 2nd or subsq offense NMT \$25,000	for 2nd or subsq offense NMT \$25,000
64C, §10 (b)	PURCHASE BY RETAILER FROM OTHER THAN LICENSEE (NEW PER ITC) or (existing) purchase or possess any cigarettes not manufactured, purchased or imported by licensee	for cigars/smoking tobacco only NMT \$5,000; for 2nd or subsq offense NMT \$25,000	NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §10 (c)	PROHIBITION ON CASH PURCHASES IN SUPPLY CHAIN (NEW PER ITC)	n/a	NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §10 (d)	Knowingly possessing a shipping case or other container of cigarettes, containing cigarettes not bearing the name and address of the person receiving the cigarettes from a manufacturer or with erased / defaced info	for cigars/smoking tobacco only NMT \$5,000; for 2nd or subsq offense NMT \$25,000	NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §10 (e)	Selling or soliciting orders for cigarettes to be brought into the commonwealth to any person not a licensed manufacturer, licensee, unless the same is to be sold to or through a licensed wholesaler.	for cigars/smoking tobacco only NMT \$5,000; for 2nd or subsq offense NMT \$25,000	NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §10 (g)	Selling cigarettes through a vending machine not constructed so as to permit the commissioner readily to determine whether cigarettes being sold are stamped	n/a	NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §10 9th clause	Filing any false return, affidavit, or statement	for cigars/smoking tobacco only NMT \$5,000; for 2nd or subsq offense NMT \$25,000	n/a - deleting criminal section as duplicative of 62C, §73
64C, §10(h)	Violating any provision of this chapter for which no penalty has been provided	n/a	NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §30	Stamper; purchase and use of stamps; appointment; compensation; payment for stamps	n/a	For willful misuse of stamping equipment NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §33	Unstamped cigarettes or stamps; prohibition of sale, etc.; examination and replacement of unstamped or improperly stamped packages	n/a	NMT \$5,000; for 2nd or subsq offense NMT \$25,000
64C, §34	Possession, sale, etc., of unstamped cigarettes; penalty; prima facie evidence; presumptions	NMT \$5,000	NMT \$5,000 @ \$10 per pack; for 2nd or subsq offense NMT \$25,000
64C, §35	Possession or transportation of unstamped cigarettes; penalty; arrest, search and seizure; forfeitures	NMT \$5,000	NMT \$5,000 @ \$10 per pack; for 2nd or subsq offense NMT \$25,000
64C, §37A	[NEW SECTION] Possession, etc. of untaxed tobacco products	n/a	NMT \$5,000; for 2nd or subsq offense NMT \$25,000