

RCW 70.155.140 Comparison
Per SGC Meeting 3/10/23

Seller

RCW 70.155.104 - Shipping or Transporting Tobacco Products Ordered Through Mail or Internet

- Unranked class C felony
- (1) A person may not:
 - (a) **Ship or transport, or cause to be shipped or transported**, any tobacco product ordered or purchased by mail or through the internet to anyone in this state other than a licensed wholesaler or retailer; or
 - (b) With knowledge or reason to know of the violation, provide substantial assistance to a person who is in violation of this section.

Seller and Buyer

RCW 82.24.110(1)(n-p) – Possess or transport 10,000 cigarettes; Possess or receive 10,000 cigarettes; Possess, sell, distribute, purchase, receive, ship, transport cigarettes that do not comply with chapter

- Gross misdemeanors
- (n) For any person to **possess or transport** in this state a quantity of ten thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless: (i) Notice of the possession or transportation has been given as required by RCW 82.24.250; (ii) the person transporting the cigarettes has in actual possession invoices or delivery tickets which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by any person in this state who is authorized by this chapter to possess unstamped cigarettes in this state;
- (o) For any person to **possess or receive** in this state a quantity of ten thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless the person is authorized by this chapter to possess unstamped cigarettes in this state and is in compliance with the requirements of this chapter;
- (p) To **possess, sell, distribute, purchase, receive, ship, or transport** within this state any container or package of cigarettes that does not comply with this chapter;

RCW 82.24.110(2) - Transportation of more than 10,000 Cigarettes without Proper Stamps

- Unranked class C felony
- SGC Recommendation (7/8/22): Leave as unranked class C felony
- Data: 12 convictions; 8 adult/1 juvenile court cases; 8 adult/1 juvenile court charges
- (2) It is unlawful for any **person knowingly or intentionally to possess or to:**
 - (a) **Transport** in this state a quantity in excess of ten thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (i) Proper notice as required by RCW 82.24.250 has been given; (ii) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by a person

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in this state who is authorized by this chapter to possess unstamped cigarettes in this state;
or

(b) **Receive** in this state a quantity in excess of ten thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless the person is authorized by this chapter to possess unstamped cigarettes in this state and is in compliance with this chapter.

(3) Violation of subsection (2) of this section is punished as a class C felony under Title 9A RCW.

RCW 82.24.500 – Business of cigarette purchase, sale, consignment, distribution, or providing access to cigarette-making machines—License required—Penalty.

- Unranked class C felony
- SGC Recommendation (7/8/22): Leave as unranked class C felony
- Data: 12 convictions; 30 court cases; 55 court charges
- No person may engage in or conduct the business of **purchasing, selling, consigning, or distributing** cigarettes in this state without a license under this chapter, or providing consumers with access to a commercial cigarette-making machine without a license under this chapter. A violation of this section is a class C felony.

RCW 82.24.570(2) – Manufacture, Sell or Possess Counterfeit Cigarettes

- Unranked class C felony
- SGC Recommendation (12/9/22): Leave as unranked class C felony
- Data: 0 convictions; 0 court charges
- (1) It is unlawful for any **person to knowingly manufacture, sell, or possess** counterfeit cigarettes. A cigarette is "counterfeit" if:
 - (a) The cigarette or its packaging bears any reproduction or copy of a trademark, service mark, trade name, label, term, design, or work adopted or used by a manufacturer to identify its own cigarettes; and
 - (b) The cigarette is not manufactured by the owner or holder of that trademark, service mark, trade name, label, term, design, or work, or by any authorized licensee of that person.
- (2) Any person who violates the provisions of this section is guilty of a class C felony which is punishable by up to five years in prison and a fine of up to ten thousand dollars.

RCW 84.24.570(3) - Manufacture, Sell or Possess Counterfeit Cigarettes (Subsequent Violation)

- Unranked class C felony
- SGC Recommendation (12/9/22): Leave as unranked class C felony
- Data: 0 convictions; 0 court charges
- (3) Any person who is convicted of a second or subsequent violation of the provisions of this section is guilty of a class B felony which is punishable by up to ten years in prison and a fine of up to twenty thousand dollars.