

AN ACT

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RELATING TO SALE OF TOBACCO PRODUCTS; PREVENTING YOUTH ACCESS TO TOBACCO PRODUCTS BY PROHIBITING SELF-SERVICE DISPLAYS AND REQUIRING DIRECT, FACE-TO-FACE SALES OF TOBACCO PRODUCTS; LIMITING VENDING MACHINE SALES; EXEMPTING CERTAIN SALES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-49-7 NMSA 1978 (being Laws 1993, Chapter 244, Section 7) is amended to read:

"30-49-7. VENDING MACHINES--RESTRICTIONS ON SALES OF TOBACCO PRODUCTS.--

A. Except as provided in Subsections B and C of this section:

(1) a person shall not sell tobacco products at a retail location in New Mexico by any means other than a direct, face-to-face exchange between the customer and the seller or the seller's employee; and

(2) a person selling goods at a retail location in New Mexico shall not use a self-service display for tobacco products. As used in this subsection, "self-service display" means a display to which the public has access without the assistance of the seller or the seller's employee.

B. Tobacco products may be sold by vending machines in the following locations only:

(1) in locations not held open to the public, including controlled areas within factories, businesses and offices;

(2) in locations in which the vending machine is equipped with a

remote-controlled lock-out device; or

(3) in age-controlled locations where minors are not permitted unless accompanied by a parent or guardian.

C. The provisions of this section do not apply to written, telephonic or electronic sales."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2004.