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SENATE BILL 81

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Mary Jane M Garcia

FOR THE TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE

AN ACT

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) no person shall 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

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1 seller or the seller's employee; and

2 (2) no person selling goods at a retail
3 location in New Mexico shall use a self-service display for
4 tobacco products. For purposes of this subsection, "self-
5 service display" means a display to which the public has
6 access without the assistance of the seller or the seller's
7 employee.

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

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

13 (2) in age-controlled locations where minors
14 are not permitted unless accompanied by a parent or guardian
15 [~~or~~

16 ~~(3) in locations where alcoholic beverages are~~
17 ~~offered for sale for the purpose of consumption on the~~
18 ~~premises].~~

19 C. The provisions of this section shall not apply
20 to written, telephone or electronic sales, including sales by
21 mail order, fax machine or the internet. "

22 Section 2. EFFECTIVE DATE. -- The effective date of the
23 provisions of this act is January 1, 2003.