

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 735

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
LIMITING GRAFFITI SUPPLIES; REQUIRING RETAILERS TO CONTROL  
ACCESS TO ACID ETCHING CREAM, AEROSOL PAINTS OR PERMANENT  
MARKERS.

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

Section 1. RETAIL SALE OF ACID ETCHING CREAM, AEROSOL  
PAINT OR PERMANENT MARKERS--CONTROLLED ACCESS.--A retailer that  
sells acid etching cream, aerosol paint or permanent markers  
shall control access to the acid etching cream, aerosol paint  
cans or permanent markers by displaying such products:

A. in a place that is in the line of sight of a  
cashier or in the line of sight of a work station normally  
continuously occupied during business hours;

B. in a manner that makes the acid etching cream,

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underscored material = new  
[bracketed material] = delete

1 aerosol paint or permanent markers accessible to a patron of  
2 the business establishment only with the assistance of an  
3 employee of the establishment; or

4 C. in an area electronically protected or viewed by  
5 surveillance equipment that is monitored during business hours.

underscoring material = new  
~~[bracketed material]~~ = delete