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HOUSE BILL 310

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Luis M. Terrazas

AN ACT

RELATING TO TOBACCO PRODUCTS; ALLOWING FOR THE IMPOSITION OF ADMINISTRATIVE PENALTIES ON THE EMPLOYEES OF LICENSEES FOR CERTAIN VIOLATIONS OF THE TOBACCO PRODUCTS ACT.

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

SECTION 1. Section 61-37-19 NMSA 1978 (being Laws 2020, Chapter 46, Section 19) is amended to read:

"61-37-19. MANUFACTURERS, DISTRIBUTORS, EMPLOYEES AND RETAILERS--VIOLATIONS--LICENSE SUSPENSION OR REVOCATION-- ADMINISTRATIVE PENALTIES.--The division may suspend or revoke a license of a licensee, require the use of identification verification software for a designated period of time or impose an administrative penalty against a licensee in an amount not to exceed ten thousand dollars (\$10,000), or any combination thereof, if the division finds that the licensee, an employee

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1 of the licensee or a contractor acting on behalf of the
2 licensee has violated a provision of the Tobacco Products Act;
3 provided, however, that:

4 A. an administrative penalty may only be imposed
5 upon an employee of a licensee for knowingly selling a tobacco
6 product to a minor, in an amount not to exceed:

7 (1) one hundred dollars (\$100) for a first-
8 time violation; and

9 (2) five hundred dollars (\$500) for subsequent
10 violations; and

11 B. upon a fourth violation for the sale of a
12 tobacco product to a minor occurring at the same location
13 within three years of the first such violation, the retailer's
14 license issued for that location shall be permanently revoked."

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