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HOUSE BILL 318

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Gail C. Beam

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.**

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- - PROHIBITING SELF-SERVICE DISPLAYS- - LIMITING
VENDING MACHINES. - -**

**A. Except as provided in Subsection B of this
section:**

**(1) no person shall sell tobacco products at
retail by any means other than a direct, face-to-face exchange**

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[bracketed material] = delete

underscored material = new
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1 between the customer and the seller or the seller's employee;
2 and

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

8 [A-] B. Tobacco products may be sold by vending
9 machines or from other self-service displays in the following
10 locations only:

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

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

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