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HOUSE BILL 540

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO TOBACCO PRODUCTS; MAKING IT ILLEGAL FOR A MINOR TO POSSESS TOBACCO PRODUCTS; INCREASING FINES; AMENDING SECTIONS OF THE TOBACCO PRODUCTS ACT.

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

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

"30-49-1. SHORT TITLE. -- [~~This act~~] Chapter 30, Article 49 NMSA 1978 may be cited as the "Tobacco Products Act". "

Section 2. Section 30-49-3 NMSA 1978 (being Laws 1993, Chapter 244, Section 3) is amended to read:

"30-49-3. TOBACCO--PROHIBITED SALES. --

A. [~~No~~] A person shall not knowingly sell, offer to sell, barter or give any tobacco product to [~~any~~] a minor.

B. [~~No~~] A minor shall not procure, [~~or~~] attempt to

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1 procure or posses any tobacco products for his own use or for
2 use by [~~any other~~] another minor.

3 C. [~~No~~] A person shall not sell, offer to sell or
4 deliver a tobacco product in a form other than an original
5 factory-sealed package. "

6 Section 3. Section 30-49-5 NMSA 1978 (being Laws 1993,
7 Chapter 244, Section 5) is amended to read:

8 "30-49-5. REFUSAL TO SELL TOBACCO PRODUCTS TO PERSON
9 UNABLE TO PRODUCE IDENTITY CARD. -- [~~Any~~] A person [~~selling~~] who
10 sells goods at retail or wholesale [~~may~~] shall refuse to sell
11 tobacco products to [~~any~~] a person who is unable to produce an
12 identity card as evidence that he is eighteen years of age or
13 over. "

14 Section 4. Section 30-49-12 NMSA 1978 (being Laws 1993,
15 Chapter 244, Section 12) is amended to read:

16 "30-49-12. PENALTY. --

17 A. [~~Any~~] A person who violates any provision of
18 Subsection A of Section [~~3 or Sections 5, 7, 8 or 9 of the~~
19 ~~Tobacco Products Act~~] 30-49-3 NMSA 1978 or Section 30-49-5,
20 30-49-7, 30-49-8 or 30-49-9 NMSA 1978 is guilty of a
21 misdemeanor and shall be sentenced pursuant to the provisions
22 of Section 31-19-1 NMSA 1978. Each violation is a separate and
23 distinct offense.

24 B. [~~Any~~] A minor who violates any provision of
25 Subsection B of Section [~~3 or Section 6 of the Tobacco Products~~

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1 Act] 30-49-3 NMSA 1978 or Section 30-49-6 NMSA 1978 shall be
2 [~~punished by a fine not to exceed one hundred dollars (\$100) or~~
3 ~~forty-eight hours of community service] required to:~~

4 (1) pay a fine not to exceed five hundred
5 dollars (\$500);

6 (2) enroll in and complete a smoking
7 prevention program or a smoking cessation program; or

8 (3) perform forty-eight hours of community
9 service. "

10 Section 5. EFFECTIVE DATE. --The effective date of the
11 provisions of this act is July 1, 2003.