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SENATE BILL 707

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

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH; PROHIBITING POSSESSION OF TOBACCO PRODUCTS BY MINORS; REQUIRING MINORS WHO VIOLATE THE TOBACCO PRODUCTS ACT TO ATTEND A SMOKING CESSATION PROGRAM; CREATING THE SMOKING PREVENTION AND CESSATION FOR MINORS FUND; MAKING AN APPROPRIATION.

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

Section 1. 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 procure, or possess any tobacco products for his own use or for use by ~~[any other]~~ another minor.

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

4 Section 2. Section 30-49-5 NMSA 1978 (being Laws 1993,
5 Chapter 244, Section 5) is amended to read:

6 "30-49-5. REFUSAL TO SELL TOBACCO PRODUCTS TO PERSON
7 UNABLE TO PRODUCE IDENTITY CARD. -- ~~Any~~ A person selling goods
8 at retail or wholesale ~~may~~ shall refuse to sell tobacco
9 products to ~~any~~ a person who reasonably appears to be less
10 than twenty-seven years of age and who is unable to produce an
11 identity card as evidence that he is eighteen years of age or
12 over. "

13 Section 3. Section 30-49-12 NMSA 1978 (being Laws 1993,
14 Chapter 244, Section 12) is amended to read:

15 "30-49-12. PENALTY. --

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

23 B. ~~Any~~ A minor who violates ~~any~~ a provision of
24 Subsection B of Section ~~[3 or Section 6 of the Tobacco Products~~
25 ~~Act]~~ 30-49-3 NMSA 1978 or Section 30-49-6 NMSA 1978 shall be

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[bracketed material] = delete

1 ~~[punished by a fine not to exceed one hundred dollars (\$100) or~~
2 ~~forty eight hours of community service]~~ required to attend and
3 participate in a smoking cessation program administered by the
4 department of health. "

5 Section 4. [NEW MATERIAL] SMOKING PREVENTION AND
6 CESSATION FOR MINORS FUND CREATED--PURPOSE--ADMINISTRATION. --

7 A. The "smoking prevention and cessation for minors
8 fund" is created in the state treasury to be administered by
9 the department of health. Interest earned on money in the fund
10 shall be credited to the fund. Balances in the fund shall not
11 revert at the end of any fiscal year.

12 B. All balances in the smoking prevention and
13 cessation for minors fund are appropriated to the department of
14 health for the purpose of providing smoking prevention and
15 cessation programs for minors statewide.

16 C. A person required to attend and participate in a
17 smoking cessation program pursuant to Subsection B of Section
18 30-49-12 NMSA 1978 shall pay a fee of one hundred dollars
19 (\$100) to the department of health to be deposited in the
20 smoking prevention and cessation for minors fund.

21 D. Payments from the smoking prevention and
22 cessation for minors fund shall be made upon vouchers issued
23 and signed by the secretary of health or the secretary's
24 designee upon warrants drawn by the secretary of finance and
25 administration.