

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 853

3 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

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10 AN ACT

11 RELATING TO GRAFFITI; REQUIRING RETAILERS TO CONTROL ACCESS TO
12 AEROSOL PAINTS AND PERMANENT MARKERS.

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

15 Section 1. RETAIL SALE OF AEROSOL PAINT AND PERMANENT
16 MARKERS--CONTROLLED ACCESS.--A retailer that sells aerosol
17 paint or permanent markers with a writing surface of three-
18 eighths inch or greater shall control access to the aerosol
19 paint cans or permanent markers by displaying such products:

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

23 B. in a manner that makes the aerosol paint or
24 markers accessible to a patron of the business establishment
25 only with the assistance of an employee of the establishment;

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1 or

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

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