

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 415

Introduced by Christensen, 44; Coash, 27.

Read first time January 16, 2009

Committee: General Affairs

A BILL

1 FOR AN ACT relating to tobacco sales; to prohibit sale from
2 a self-service display; to define terms; to create a
3 penalty; and to provide an operative date.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Except as provided in subsection (2) of
2 this section, it is unlawful to sell cigarettes or other tobacco
3 products from a self-service display. Any person violating this
4 section is guilty of a Class III misdemeanor. In addition, upon
5 conviction for a second offense, the court shall order a six-month
6 suspension of the offender's license to sell tobacco, if any, and
7 upon conviction for a third or subsequent offense, the court shall
8 order the permanent revocation of the offender's license to sell
9 tobacco, if any.

10 (2) Cigarettes or other tobacco products may be sold from
11 a self-service display when such display is:

12 (a) Located in a tobacco specialty store; or

13 (b) A vending machine permitted under section 28-1429.02.

14 (3) For purposes of this section:

15 (a) Self-service display means a display that contains
16 cigarettes or other tobacco products and is located in an area
17 openly accessible to consumers at retail, from which such consumers
18 can readily access cigarettes or other tobacco products without the
19 assistance of the owner or operator of the retail establishment
20 or an agent or employee of such owner or operator. Self-service
21 display does not include a display case that holds cigarettes or
22 other tobacco products behind locked doors; and

23 (b) Tobacco specialty store means a retail establishment
24 that derives at least seventy-five percent of its revenue from the
25 sale of cigarettes and other tobacco products.

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Sec. 2. This act becomes operative on January 1, 2010.