

LEGISLATIVE BILL 130

Approved by the Governor March 26, 1992

Introduced by Schimek, 27; Nelson, 35; Dierks, 40;
Peterson, 21

AN ACT relating to tobacco products; to state intent; to restrict the use of vending machines and similar devices to dispense cigarettes and other tobacco products; to provide penalties; and to provide an operative date.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds that the incumbent health risks associated with smoking tobacco products have been scientifically proven. The Legislature further finds that the growing number of minors who start smoking is staggering and even more abhorrent are the ages at which such children begin this deadly habit. The Legislature has established an age restriction on the use of tobacco products by minors. To ensure that the use of tobacco products among minors is discouraged to the maximum extent possible, it is the intent of the Legislature to ban the use of vending machines and similar devices to dispense tobacco products in facilities, buildings, or areas which are open to the general public within Nebraska.

Sec. 2. (1) Except as provided in subsection (2) of this section, it shall be unlawful to dispense cigarettes or other tobacco products from a vending machine or similar device. Any person violating this section shall be guilty of a Class III misdemeanor. In addition, upon conviction for a second offense, the court shall order a six-month suspension of the offender's license to sell tobacco if any and, upon conviction for a third or subsequent offense, the court shall order the permanent revocation of the offender's license to sell tobacco if any.

(2) Cigarettes or other tobacco products may be dispensed from a vending machine or similar device when such machine or device is located in an area, office, business, plant, or factory which is not open to the general public or on the licensed premises of any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises when such machine or device is located in the same room in which the alcoholic

liquor is dispensed.

(3) Nothing in this section shall be construed to restrict or prohibit a governing body of a city or village from establishing and enforcing ordinances at least as stringent as or more stringent than the provisions of this section.

Sec. 3. This act shall become operative on January 1, 1994.