

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 585

Introduced by Preister, 5

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crime and punishments; to amend sections
2 28-1429.01 and 28-1429.02, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to the dispensing
4 of cigarettes or other tobacco products; to define a
5 term; to harmonize provisions; to provide an operative
6 date; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1429.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 28-1429.01 The Legislature finds that the incumbent
4 health risks associated with smoking tobacco products have been
5 scientifically proven. The Legislature further finds that the
6 growing number of minors who start smoking is staggering and even
7 more abhorrent are the ages at which such children begin this
8 deadly habit. The Legislature has established an age restriction
9 on the use of tobacco products by minors. To ensure that the use
10 of tobacco products ~~among~~ by minors is discouraged to the maximum
11 extent possible, it is the intent of the Legislature to ban the
12 use of all self-service merchandising methods as defined in section
13 28-1429.02, except vending machines and similar devices to dispense
14 tobacco products in facilities, buildings, or areas which are open
15 to the general public within Nebraska.

16 Sec. 2. Section 28-1429.02, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 28-1429.02 (1) Except as provided in subsection (2) of
19 this section, it shall be unlawful to dispense cigarettes or other
20 tobacco products ~~from~~ using a self-service merchandising method,
21 except a vending machine or similar device. Any person violating
22 this section shall be guilty of a Class III misdemeanor. In
23 addition, upon conviction for a second offense, the court shall
24 order a six-month suspension of the offender's license to sell
25 tobacco if any and, upon conviction for a third or subsequent

1 offense, the court shall order the permanent revocation of the
2 offender's license to sell tobacco if any.

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

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

15 (4) For purposes of this section, self-service
16 merchandising method means a method of displaying and dispensing
17 cigarettes or other tobacco products to the public without the
18 intervention of the person or his or her employee who merchandises
19 cigarettes or other tobacco products.

20 Sec. 3. This act becomes operative on January 1, 2008.

21 Sec. 4. Original sections 28-1429.01 and 28-1429.02,
22 Reissue Revised Statutes of Nebraska, are repealed.