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**SYNOPSIS OF LAWS PASSED BY  
THE NEVADA LEGISLATURE  
REGARDING TOBACCO SALES AND USE**

**PREEMPTION**

**NRS CH 259**

In 1991, the Nevada State Legislature passed S.B. 313, which prohibits local governments from adopting regulations more stringent than state law.

**CIGARETTE VENDING MACHINES**

**NRS CH 651**

In 1993, the Nevada State Legislature passed S.B. 421, which prohibits the placement of cigarette vending machines in public elevators, public waiting rooms of medical facilities and medical professionals' offices, stores that sell food, child care facilities and buses, if minors have access to those areas. The law also establishes a criminal penalty of a misdemeanor and civil penalty of \$100.00 per violation for a person violating this provision of the law.

**TOBACCO SALES**

**NRS CH 682**

In 1995, the Nevada State Legislature passed A.B. 622, which requires the attorney general to inspect for and enforce compliance with laws pertaining to the sale of tobacco and to report upon those inspections. The law also prohibits the sale of non-tobacco products in a coin-operated vending machine containing cigarettes. A.B. 622 adopts provisions stating that a person who sells cigarettes to minors shall be punished by a fine of no more than \$500.00 unless prior to the sale they demanded valid identification that proves the purchaser is over 18 years of age. Finally the law prevents an agency, board, commission or any political subdivision of the state from adopting restrictions regarding tobacco that are more stringent than state law.

**TOBACCO SALES**

**NRS CH 683**

In 1995, the Nevada State Legislature passed A.B. 637, which appropriated \$60,000 to the Attorney General's office to enforce current laws prohibiting the sale of tobacco to minors.

**USE OF TOBACCO BY MINORS**

***DID NOT PASS IN THE ASSEMBLY***

In 1997, the Nevada State Senate passed S.B. 33, which would have prohibited a minor from possessing and using tobacco on school property. The bill also stated that a minor who engages in such conduct is a child in need of supervision and care or rehabilitation and required that they pay a \$50.00 fine or perform community service. It also would have required the minor to attend a class designed to discourage the use of tobacco products for a first or second offense. For a third offense it would have required the driver's license of such a minor to be suspended for not less than 1 year. The bill also authorized school

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police officers and other peace officers to issue a citation for the violation. Finally the bill would have prohibited billboards or signs advertising tobacco products from being located within 500 feet of schools.

#### **SMOKING IN GROCERY STORES**

**NRS CH 379**

In 1999, the Nevada State Legislature passed S.B. 421 which stated that a grocery store may allow the smoking of tobacco in a public area of the store that contains a gaming area if: The entire interior public area of the store is 10,000 square feet or less; or (b) The area: (1) Is segregated from the other public areas of the store by two or more walls or partial walls, or any combination thereof, in a configuration that includes at least one corner; and (2) Contains a method of ventilation which substantially removes smoke from the area.

A grocery store built before October 1, 1999 has until January 1, 2010, to comply with this provision of the law. After January 1, 2010 a grocery store may allow smoking in a public area only if it contains a method of ventilation, which substantially removes smoke from the area. If the store remodels 25 percent or more of its square footage before January 1, 2010, than it must include as part of the remodel a method of ventilation, which substantially removes smoke from the gaming area. The law allows a wall or partial wall to be defined as one or more gaming devices designed to create a barrier that is similar to a partial wall or wall

#### **INTERNET SALES OF TOBACCO**

**NRS 560**

In 2001, the Nevada State Legislature passed S.B. 551, which prohibits the sale of tobacco products to minors through the Internet and requires those who sell or distribute tobacco products through the use of the Internet to mark clearly items that are shipped with the words "cigarettes" or "tobacco products." Persons who sell or otherwise furnish alcoholic beverages through the use of the Internet must also label the shipped packages with words that describe the alcoholic beverages. Further, persons who sell, distribute, or otherwise furnish tobacco products and alcoholic beverages must adopt policies to prevent an underage child from obtaining the products.

#### **CONTRABAND CIGARETTES**

**NRS 527**

In 2001, the Nevada State Legislature passed S.B. 527, which revised provisions governing contraband cigarettes, cigarette dealers, and the enforcement of statutes regarding cigarettes. The law exempted duty-free sales enterprises and persons importing cigarettes for personal use from provisions governing the licensing of cigarette dealers and the taxation of cigarettes. The law also specifies that cigarette revenue stamps must be designed to identify the dealer who affixed the stamp and requires certain cigarette dealers to file a report

with Nevada's Department of Taxation if during the preceding month that dealer affixed cigarette revenue stamps upon cigarette packages imported into the United States. The measure also stipulates that a retail or wholesale dealer of cigarettes shall not affix a revenue stamp or meter machine impression upon cigarette packages that have been imported, manufactured, or packaged in violation of federal law.

The bill sets forth procedures for law enforcement officers that seize contraband cigarettes to notify the Department of Taxation of such seizures. The law also requires the law enforcement personnel of seized cigarettes that are not transmitted to the Department.