

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL

Introduced by

Read first time

Committee:

A BILL

1 FOR AN ACT relating to tobacco; to amend sections 28-1429.01
2 and 28-1429.02, Reissue Revised Statutes of Nebraska; to
3 prohibit the dispensing of tobacco products by vending
4 machines; and to repeal the original sections.
5 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 on
9 the use of tobacco products by minors. To ensure that the use of
10 tobacco products among minors is discouraged to the maximum extent
11 possible, it is the intent of the Legislature to ban the use of
12 vending machines and similar devices to dispense tobacco products
13 in facilities, buildings, or areas which are open to the general
14 public within Nebraska.

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

17 28-1429.02 It is ~~(1) Except as provided in subsection (2)~~
18 ~~of this section, it shall be unlawful to dispense cigarettes or~~
19 ~~other tobacco products from a vending machine or similar device.~~
20 Any person violating this section shall be is guilty of a Class
21 III misdemeanor. In addition, upon conviction for a second offense,
22 the court shall order a six-month suspension of the offender's
23 license to sell tobacco if any and, upon conviction for a third or
24 subsequent offense, the court shall order the permanent revocation
25 of the offender's license to sell tobacco if any.

26 ~~(2) Cigarettes or other tobacco products may be dispensed~~
27 ~~from a vending machine or similar device when such machine or~~

1 device is located in an area, office, business, plant, or factory
2 which is not open to the general public or on the licensed premises
3 of any establishment having a license issued under the Nebraska
4 Liquor Control Act for the sale of alcoholic liquor for consumption
5 on the premises when such machine or device is located in the same
6 room in which the alcoholic liquor is dispensed.

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

11 Sec. 3. Original sections 28-1429.01 and 28-1429.02,
12 Reissue Revised Statutes of Nebraska, are repealed.