

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 28-1418, 28-1419,
2 28-1421, 28-1424, 28-1425, and 28-1427, Reissue Revised
3 Statutes of Nebraska; to increase the age for tobacco
4 use; to change penalties; to harmonize provisions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1418, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1418 ~~Whoever, being a minor~~ Any person under the age
4 of ~~eighteen~~ nineteen years, shall ~~smoke~~ who smokes cigarettes or
5 cigars, or ~~use~~ uses tobacco in any form whatever, in this state,
6 shall be guilty of a Class V misdemeanor. ~~Any minor so~~ Such
7 person charged with the violation of this section may be free from
8 prosecution when he or she shall have furnished evidence for the
9 conviction of the person or persons selling or giving him or her
10 the cigarettes, cigars, or tobacco.

11 Sec. 2. Section 28-1419, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 28-1419 Whoever shall sell, give, or furnish, in any way,
14 any tobacco in any form whatever, or any cigarettes, or cigarette
15 paper, to any ~~minor~~ person under ~~eighteen~~ nineteen years of age,
16 shall be guilty of a Class III misdemeanor for each offense.

17 Sec. 3. Section 28-1421, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 28-1421 Licenses for the sale of cigars, tobacco,
20 cigarettes, and cigarette material to persons over the age
21 of ~~eighteen~~ nineteen years shall be issued to individuals,
22 partnerships, limited liability companies, and corporations by
23 the clerk or finance director of any city or village and by the
24 county clerk of any county upon application duly made as provided
25 in section 28-1422. The sale of cigarettes or cigarette materials
26 that contain perfumes or drugs in any form is prohibited and is
27 not licensed by the provisions of this section. Only cigarettes and

1 cigarette material containing pure white paper and pure tobacco
2 shall be licensed.

3 Sec. 4. Section 28-1424, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-1424 The license, provided for in sections 28-1421 and
6 28-1422 when issued, shall authorize the sale of cigars, tobacco,
7 cigarettes, and cigarette material by the licensee and employees,
8 to persons over the age of ~~eighteen~~ nineteen years, at the place of
9 business described in such license for the term therein authorized,
10 unless the ~~same be~~ license is forfeited as provided in section
11 28-1425.

12 Sec. 5. Section 28-1425, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 28-1425 Any licensee who shall sell, give, or furnish in
15 any way to any person under the age of ~~eighteen~~ nineteen years,
16 or who shall willingly allow to be taken from his or her place
17 of business by any person under the age of ~~eighteen~~ nineteen
18 years, any cigars, tobacco, cigarettes, or cigarette material,
19 shall be guilty of a Class III misdemeanor. Any officer, director,
20 or manager having charge or control either separately or jointly
21 with others, of the business of any corporation which violates
22 ~~the provisions of~~ sections 28-1420 to 28-1429, if he or she have
23 knowledge of the same, shall be subject to the penalties provided
24 in this section. In addition to the penalties provided in this
25 section, such licensee shall be subject to the additional penalty
26 of a revocation and forfeiture of his, her, their, or its license,
27 at the discretion of the court before whom the complaint for

1 violation of ~~said~~ such sections may be heard. If such license ~~be~~ is
2 revoked and forfeited, all rights under such license shall at once
3 cease and terminate.

4 Sec. 6. Section 28-1427, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 28-1427 Any person under the age of ~~eighteen~~ nineteen
7 years who shall obtain cigars, tobacco, cigarettes, or cigarette
8 material from a licensee ~~hereunder~~ under sections 28-1420 to
9 28-1429 by representing that he or she is of the age of ~~eighteen~~
10 nineteen years or over, shall be guilty of a Class V misdemeanor.

11 Sec. 7. Original sections 28-1418, 28-1419, 28-1421,
12 28-1424, 28-1425, and 28-1427, Reissue Revised Statutes of
13 Nebraska, are repealed.