

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB415**

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**Hearing Date:** Monday March 02, 2009  
**Committee On:** General Affairs  
**Introducer:** Christensen  
**One Liner:** Prohibit tobacco sales from self-service displays

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**  
**Aye:** 7 Senators Karpisek, Cook, Dierks, Dubas, Friend, Price, Rogert  
**Nay:**  
**Absent:**  
**Present Not Voting:** 1 Senator Coash

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**Proponents:**  
Senator Mark Christensen,  
Ron Jensen

**Representing:**  
Introducer  
Altria Client Services

**Opponents:**  
Kathy Siefken  
Bill Peters

**Representing:**  
NE Grocery Industry Association  
Cigar Association of America, Inc

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 415 prohibits self-service displays that sell cigarettes or other tobacco products except when a vending machine is located in a tobacco specialty store or in an area, office, business, plant, or factory which is not open to the general public. The prohibition also does not apply to vending machines 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.

A first offense is a Class III misdemeanor. A second offense results in a six-month suspension of tobacco license. A third offense results in the permanent revocation of tobacco license. "Self-service displays" are defined as being located in an area accessible to consumers at retail without the assistance of the owner or operator, or agent or employee of owner or operator. "Tobacco specialty store" is defined as a retail establishment that derives at least 75% of its revenue from the sale of cigarettes and other tobacco products. This Act becomes operative January 1, 2010.

**Details**

Section 1(1)Prohibits the sale of cigarettes or other tobacco products from self-service displays. Penalties for first offense include a Class III misdemeanor; second offense is a six-month suspension of tobacco license; third and subsequent offenses are a permanent revocation of tobacco license.

Section 1(2)Allows self-service displays in (a) tobacco specialty stores or (b) or in an area, office, business, plant or factory which is not open to the general public. The prohibition also does not apply to vending machines on the licensed

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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.

Section 1(3)(a) Defines "self-service display" to mean a display that can be accessed without assistance.

Section 1(3)(b) Defines "tobacco specialty store" to mean a retail establishment that derives at least 75% of its revenue from the sale of cigarettes and other tobacco products.

Section 2 This Act becomes operative January 1, 2010.

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Russ Karpisek, Chairperson