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TO: Senate Judiciary Committee
FROM: John Albrecht
Chief Tobacco Counsel
RE: SB 315
DATE: March 28, 2003

SB 315 allows the placement of cigarette vending machines where children are permitted to loiter. To clarify what that means, I would like to suggest either of the following changes:

1) Add the words "by law" after the word "area" in Subsection (1), Section (1).

OR

2) Change the wording of the bill as follows:

Section 1. NRS 202.2494 is hereby amended to read as follows:

202.2494 1. A cigarette vending machine must not be placed in a public area described in paragraph (a), (c), (e), (f), (g) or (h) of subsection 1 of NRS 202.2491, if minors are permitted access to that area. *except the following:*

(a) where minors under the age of 21 are prohibited from loitering pursuant to NRS 202.030;

(b) where minors under the age of 21 are prohibited from loitering pursuant to NRS 363.350(1)(b); and

2. A coin-operated vending machine containing cigarettes must not be used to dispense any product not made from tobacco.

REASONS

The bill as drafted would seem to allow a business to have a vending machine if the business had a policy or practice of prohibiting children under 21 from loitering. The problem with that is that the business may not enforce that policy or practice.

Either of the proposed changes would make it clear that the state law is what controls whether a child under 21 is permitted to loiter and, as a result, whether a cigarette vending machine could be placed there. The second version is clearer.

I want to thank you for your consideration of this proposal to clarify this proposal.