

## CHAPTER 352—H.F.No. 1773

*An act relating to consumer protection; regulating the distribution of tobacco products; providing remedies; clarifying a definition; amending Minnesota Statutes 1984, section 609.685, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325F.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [325F.76] DEFINITIONS.

Subdivision 1. TERMS. For the purposes of sections 1 to 3, the terms defined in this section have the meanings given them.

Subd. 2. CHEWING TOBACCO. "Chewing tobacco" means loose tobacco or a flat compressed cake of tobacco that is inserted into the mouth.

Subd. 3. DISTRIBUTE. "Distribute" means to give products to the general public at no cost or at nominal cost for product promotional purposes.

Subd. 4. PACKAGE. "Package" means a pack, box, or container of any kind in which a smokeless tobacco product is offered for sale, sold, or otherwise distributed.

Subd. 5. PERSON. "Person" means any individual, partnership, corporation, or other business or legal entity.

Subd. 6. SMOKELESS TOBACCO. "Smokeless tobacco" means chewing tobacco or tobacco snuff.

Subd. 7. TOBACCO SNUFF. "Tobacco snuff" means a small amount of shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth of an individual user.

Sec. 2. [325F.77] PROMOTIONAL DISTRIBUTION.

Subdivision 1. SMOKELESS TOBACCO. No person shall distribute any smokeless tobacco product.

Subd. 2. TOBACCO SUITABLE FOR SMOKING. No person shall distribute cigarettes, cigars, pipe tobacco or other tobacco products suitable for smoking to individuals under the age of 18. The person distributing the cigarettes, cigars, pipe tobacco, or other tobacco product must verify the individual's age prior to any distribution. Proof of age may be established only by a valid driver's license or Minnesota identification card or in the case of a foreign national by a valid passport.

This subdivision does not prohibit a local unit of government from further restricting or prohibiting the distribution of tobacco products.

Sec. 3. [325F.78] REMEDIES.

Changes or additions are indicated by underline, deletions by strikeout.

The attorney general may institute a civil action in the name of the state of Minnesota in the district court for an injunction prohibiting any violation of section 2. The court, upon notice to the defendant of not less than five days, and upon proof that defendant has engaged in the practice prohibited by section 2, may enjoin the future commission of the practice. The court may impose a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may recover costs and disbursements, including costs of investigation and reasonable attorneys fees.

Sec. 4. Minnesota Statutes 1984, section 609.685, subdivision 1, is amended to read:

**609.685 SALE OF TOBACCO TO CHILDREN.**

Subdivision 1. **DEFINITION; DEFINITIONS.** For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

(a) “Tobacco” means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.

(b) “Tobacco related devices” means cigarette papers or pipes for smoking.

**Sec. 5. SEVERABLE PROVISIONS.**

If any provision of sections 1 to 4 is found to be unconstitutional and void, the remaining provisions of sections 1 to 4 shall remain valid.

**Sec. 6. EFFECTIVE DATE.**

Sections 1 to 5 are effective June 1, 1986.

Approved March 19, 1986

**CHAPTER 353—H.F.No. 1806**

*An act relating to financial institutions; permitting state banks and credit unions to offer self-directed individual retirement accounts; removing loans made by the energy and economic development authority from a bank's lending limitations; amending Minnesota Statutes 1984, sections 48.15, by adding a subdivision; 48.24, subdivision 5; and Minnesota Statutes 1985 Supplement, section 52.04, subdivision 1.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.