

MASON'S MINNESOTA STATUTES

1927

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THE GENERAL STATUTES OF 1923

EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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WILLIAM H. MASON,
Editor in Chief.

MARTIN S. CHANDLER,
RICHARD O. MASON,
Assistant Editors.

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CHAPTER 16A

CIGARETTES

Sale to person under 18 years prohibited	3240
Smoking by person under 18 misdemeanor	3241
Licensing of sale of cigarettes, etc.	3242
License to be secured of dairy and food commissioner—Fee	3243
Written application to be filed	3244
When license is not to be granted	3245
Present licenses in force until expiration	3246
Dairy and food commissioner to enforce provisions of act	3247
Fees to be paid into state treasury	3248
Violation a misdemeanor	3249
Certain chapters repealed	3250

3240. Sale to person under 18 years prohibited— That it shall be unlawful for any person and any clerk, servant, employe or agent of any person, directly or indirectly upon any pretense, or by any device to sell, exchange, barter, dispose of or give away to any person below the age of eighteen (18) years of age, any cigarettes, cigarette paper, or cigarette wrappers, or any paper made or prepared for the purpose of being used for or in the making or manufacturing of cigarettes. ('19 c. 348 § 1)

3241. Smoking by person under 18 misdemeanor— The smoking of cigarettes within this state by any person below the age of eighteen (18) years is hereby prohibited and any person of such minor age found smoking cigarettes shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten (\$10) dollars or by imprisonment in the county jail of not more than five (5) days, such fine or imprisonment only to be imposed in the discretion of the court. ('19 c. 348 § 2)

3242. Licensing of sale of cigarettes, etc.— That it shall be unlawful for any person and any clerk, servant, employe, or agent of any person, directly or indirectly upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers or any paper made or prepared for the purpose of making cigarettes without first having obtained a license therefor, as hereinafter provided. ('19 c. 348 § 3)

3243. License to be secured of dairy and food commissioner—Fee— License for the manufacture, sale, exchange, barter, disposition of or giving away or keeping for sale of cigarettes, cigarette paper or cigarette wrappers for the making of cigarettes may be granted by the state dairy and food commissioner, who shall provide a suitable blank form of application for the use of applicant. The fee for such license shall be twelve (12) dollars and shall expire on December 31, next after its issue, and no license shall be issued for a longer term than one year, and shall not be transferable from one person to another person or from the ownership to whom issued to another ownership. Provided, that a license issued for a less term than one year, the fee for same shall be computed at the rate of one dollar for each calendar month or fractional part of such month. A penalty of fifty per cent of the license fee shall be imposed if license is not applied

for within the same calendar month that first sale of cigarettes is made. ('19 c. 348 § 4)

3244. Written application to be filed— Every person desiring a license under this act shall file with the state dairy and food commissioner, his inspectors or agents, a written application therefor, stating the person or firm for whom, place and building for which, it is to be issued, and shall deposit therewith the amount of the license fee. ('19 c. 348 § 5)

3245. When license is not to be granted— No license shall be granted in or for any city, village or county, if the governing body of such city, village or county shall by ordinance or resolution prohibit the sale of cigarettes, and a certified copy of such ordinance or resolution is filed with the state dairy and food commissioner. ('19 c. 348 § 6)

3246. Present licenses in force until expiration— All licenses heretofore issued under provisions of chapter 580, General Laws of 1913, as amended by chapter 245 of General Laws of 1917, shall be, and the same is hereby in force and effect until date of expiration. ('19 c. 348 § 7)

Explanatory note— See infra, § 3250, for repeal of laws referred to in this section.

3247. Dairy and food commissioner to enforce provisions of act— The state dairy and food commissioner, his inspectors and assistants and employes, shall enforce the provisions of this act, and in so doing shall have all the powers and authority with relation thereto, that are conferred upon them and each of them by chapter 21, Revised Laws of 1905, and the provisions of sections 1736, 1738, 1776, 1777, 1778 and 1779, Revised Laws of 1905, shall be deemed a part thereof in the enforcement of this act and accomplishments of its purposes. ('19 c. 348 § 8)

Explanatory note— For Chapter 21 of the present statutes, taking the place of Chapter 21 of R. L. 1905, see infra, §§ 3788 to 3965. Sections 1736, 1738, 1776, 1777, 1778 and 1779 of R. L. '05, referred to in this section, are expressly repealed by § 3870, infra. See, also, infra, §§ 3798, 3799, 3800, 3801, 3810.

3248. Fees to be paid into state treasury— The fees collected under the provisions of this act shall be paid into the state treasury by the dairy and food commissioners. The state treasurer shall transmit such license money semi-annually to the treasury of the city, village or county from which the license is issued. ('19 c. 348 § 9)

3249. Violation a misdemeanor— Any person violating any of the provisions of this act, except as herein provided for violation of section 2 hereof, shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars or by imprisonment in the county jail of not less than fifteen (15) days nor more than ninety (90) days. ('19 c. 348 § 10)

3250. Certain chapters repealed— That chapter 580, General Laws of 1913, as amended by chapter 245, General Laws of 1917, is and the same are hereby repealed. ('19 c. 348 § 11)

3243
33 — 80
33 — 187

3248
29 — 291