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SENATE BILL 440

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Gregg Schmedes

AN ACT

RELATING TO TOBACCO; PROHIBITING THE SALE OF MENTHOL
CIGARETTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-37-3 NMSA 1978 (being Laws 2020,
Chapter 46, Section 3) is amended to read:

"61-37-3. PROHIBITED SALES--MANUFACTURING--LABELING--
MARKETING--SAFETY REQUIREMENTS.--

A. A person shall not knowingly, intentionally or
negligently sell, offer to sell, barter or give a tobacco
product to a minor.

B. A licensee shall not sell, offer to sell or
deliver a tobacco product in a form other than an original
manufacturer-sealed package, except for individually sold
cigars or loose leaf pipe tobacco.

underscoring material = new
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C. A person shall not sell, offer to sell, barter or deliver menthol cigarettes.

~~[G.]~~ D. A licensee shall not sell, offer to sell or deliver nicotine liquid in this state unless such liquid is in child-resistant packaging, except that for the purpose of this subsection, "nicotine liquid" does not include nicotine liquid in a cartridge that is pre-filled and sealed by the manufacturer and that is not intended to be opened by the consumer.

~~[D.]~~ E. A manufacturer shall not produce and a distributor or retailer shall not sell tobacco products that are knowingly attractive to minors."