

**SALE OF CIGARETTES, CIGARS
OR OTHER TOBACCO PRODUCTS
TO PERSONS UNDER 18 YEARS
OF AGE IS PROHIBITED BY LAW.**

LEGISLATIVE REPORT

NEW YORK

1964 STATE SUMMARY SPERO BILL BECOMES LAW

BEFORE the 1964 regular Session of the New York Legislature convened January 2 and adjourned March 26, 1964, two Special Sessions met later in the year. The first Special Session considered proposed cigarette tax increases.

The Regular Session enacted a law requiring all cigarette vending machines to be posted with notices forbidding minors to purchase from said machines. It also enacted laws authorizing state regulation of self-service laundries, creating a special committee of the State Senate to study the cab-occupant controversy matters and an increase in the Erie County local sales tax.

In addition to the new laws, certain measures were vetoed by the Governor. These included a controversial tax on amusement machines, a proposed license fee on milk dealers, which would have imposed fees on certain milk vending machines, a change in the legal definition of orange juice that could have affected vending drinks, and a measure dealing with the New York City business tax.

Among the measures defeated in the Regular Session of the Legislature were a proposed tax on music machine receipts, bills to require cigarette labeling and to prohibit certain cigarette advertising, and bills to increase the cigarette tax as much as twice the present rate and proposals dealing with health and limiting cigarette vending, cigarette taxes, tax powers of local governments and the blind and vending on certain government property.

REGULAR SESSION

NEW YORK

S 1933

Because of the importance of this bill, we are following the unusual procedure of setting it out in its entirety in this State Summary, so that you can have it for your records and use. The law reads as follows:

Section 1746. Sale of cigarettes, cigars or other tobacco products.

1. Any person, firm, partnership, company or corporation operating a place of business wherein cigarettes, cigars or tobacco products are sold or offered for sale shall post in a conspicuous place a sign upon which there shall be imprinted the following statement, "SALE OF CIGARETTES, CIGARS OR TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white card in red letters at least one and one-half inch in height.

2. Any person, firm, partnership, company or corporation operating a vending machine which dispenses cigarettes, cigars or tobacco products shall affix thereon in a prominent place a legible notice in accordance with the terms of subdivision one of this section.

N.Y. SS 64-18 (cont'd)

January 15, 1965

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A violation of any of the provisions of this section shall constitute an offense and shall be punishable by a fine of not more than fifty dollars.

Section 2. This act shall take effect July first, nineteen hundred sixty-four.

Approved, April 22, 1964

OTHER NEW LAWS

SMOKING-HEALTH STUDY

SR 30 Creates a special committee of the Senate to study existing medical evidence and other information with respect to the relation between smoking and public health and the extent and efficacy of the state and local programs to curb same, including programs in the public schools and adult education classes dealing with this problem; such committee was to report by March 10, 1964, the result of its study and submit proposals if deemed necessary to make its recommendations effective. Introduced by Speno 1/21. Adopted 1/21.

S 185
A 409

COIN-OP MACHINES--Authorizes Board of Standard and Appeals to make such rules governing construction, maintenance, use and operation of coin operated machines which perform any manufacturing process that Board finds necessary for protection of lives, health and safety of employees and of persons using such machines. S 185 introduced by Lavigne 1/8. Approved 4/3. A 409 introduced by Brown 1/8. Died in House.

S 3642
A 5156

SALES TAX--Increases from 2 to 2 per cent, rate of retail sales tax and compensating use tax which may be imposed by Board of Supervisors for Erie County. Both bills introduced by Rules Com. 3/2. S 3642 approved 3/23. A 5156 died in house.

S 3916

BUSINESS TAX--Changes certain provisions relating to dates for and amounts of installment payments of estimated general business and financial tax in N.Y. City. Introduced by Rules Com. 3/21. Approved 4/24.

A 861

NEW TAXATION POWER--Provides that for 15 months following enactment of law conferring on city and new power of taxation or increasing such power, city shall not levy or collect new or increased tax unless legislation enacted to confer such power was introduced not later than third Tuesday in February in year in which enacted. Introduced by Savinose 1/8. Approved 4/10.

STATE STATUTES PROHIBITING
SALE OR GIFT OF CIGARETTES TO MINORS

The following states clearly prohibit the sale, gift or furnishing of cigarettes to minors:

Minors under the age of 21 years

Arizona

"A person who sells, gives or furnishes cigars, cigarettes or cigarette papers, smoking or chewing tobacco, to a minor, and a minor who buys, or has in his possession or accepts or receives from any person ---- cigarettes ---- is guilty of a misdemeanor."

"'Minor' means a person under the age of 21 years."

Florida

"It is a criminal offense for any person to sell ---- or give away ---- to any minor, any cigarettes ----"

"Minor means anyone under 21 years of age." Beekman - v - Beekman 53 Fla. 858, 43 So. 923 (1907)

Attorney General's opinion 063-23 -- "The proprietor of cigarette vending machines would be criminally liable if he should leave the machine unattended so that minors can purchase cigarettes from the machine. He would also be liable if machines are placed in positions that are readily accessible to minors and left unattended."

Kansas

"It shall be unlawful for any person to sell or give away to any minor under 21 years of age any cigarette."

~~(Note: Bill now pending which would lower age to 18)~~

Michigan

"Any person ---- who sells, gives to, or in any way furnishes any cigarettes ---- to any person under 21 years of age shall be fined or imprisoned."
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North Dakota

"No person ---- shall sell ---- give or furnish to or buy or procure for, any person ~~under the age of 21 years~~ any cigarette."

is here is a minor

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LG 2021642

South Dakota - *repealed*

"It shall be unlawful for any person ---- to supply to any person under the age of 21 years any cigarette."

Washington

"Every person who shall sell or give ---- any person under the age of 21 years any ---- cigarette or tobacco in any form shall be guilty of a gross misdemeanor."

West Virginia - *repealed*

"No person ---- shall sell, give or furnish ---- any person under the age of 21 years any cigarette."

(Note: For other tobacco products the age is 16)

Minors under the age of 19

Utah

"Any person who sells, gives or furnishes any cigarette or tobacco in any form, to any person under 19 years of age is guilty of a misdemeanor."

Minors under the age of 18

Alaska

"That it shall be unlawful in the Territory of Alaska for any person ---- to sell, exchange or give any cigarettes ---- or tobacco in any form to any person under the age of 18 years."

Arkansas

"It shall be unlawful for any person ---- to give, barter or sell to a minor under 18 years of age, tobacco in any form, or cigarette papers."

California

"Every person ---- which sells or gives or in any way furnishes to another person who is in fact under the age of 18 years any tobacco, cigarette ---- is guilty of a misdemeanor ----";

Idaho

"Every person who shall give, sell or furnish any cigarettes ---- or tobacco in any form ---- to minor persons under 18 years of age ---- shall be guilty of a misdemeanor."

Iowa

"No person shall furnish to any minor under 18 years of age by gift, sale or otherwise, any cigarettes."

Kentucky

"Any person who sells ---- or gives away ---- to any person under the age of 18 any cigarette ---- shall be fined."

Massachusetts

"Whoever sells or gives a cigarette to any person under 18 shall be fined."

(Note: Sale or gift of other tobacco products the age is 16)

"Any operator of a vending machine for the sale of cigarettes or tobacco and any owner or tenant of a location where a vending machine is located who shall permit any person under 18 to use such machines, shall be fined."

Minnesota

"Any person who sells, gives to, or in any way furnishes any cigarettes ---- or tobacco in any form to any person under 18 years of age, or to any minor pupil in any school, college, or University, shall be fined or imprisoned."

Mississippi

"If any person shall sell ---- or give any cigarettes ---- to any child under the age of 18 years, unless previously authorized in writing by the parent or guardian of such child, he shall be guilty of a misdemeanor."

Missouri

"Any person who shall ---- sell, give away ---- to any person under the age of 18 years, any cigarette ---- shall be guilty of a misdemeanor."

Montana

"Every person who sells or gives any tobacco ---- cigarettes to any minor under 18 years of age, is guilty of a misdemeanor."

Nebraska

"Whoever shall sell, give or furnish any tobacco in any form or any cigarettes to any minor under 18 years of age shall be fined or imprisoned."

(Note: Violation)

license revocation)

New Mexico

"It shall be unlawful for any person to sell or give to any minor under the age of 18 years in any educational institution or in any public building tobacco in any form to any person under the age of 18 years or the guardian of such minor."

to sell or give to any pupil of any school or any cigarettes or tobacco to any person under the age of 18 years or the parent or guardian of such minor."

Nevada

"It shall be unlawful for any person to sell or give to any person under the age of 18 years any cigarettes or tobacco in any form."

any person under the age of 18 years to sell or give to any person under the age of 18 years any cigarettes or tobacco in any form."

New York

"A person who sells or gives to any person apparently under the age of 18 years any cigarettes or tobacco in any form is guilty of a misdemeanor."

any person under the age of 18 years who sells or gives to any child actually or constructively under the age of 18 years any cigarettes or tobacco in any form is guilty of a misdemeanor."

Ohio

"No person shall sell or give to any person under 18 years of age a cigarette or tobacco in any form."

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Oregon

"Any person who sells or gives to any minor under the age of 18 years any tobacco or cigarettes is guilty of a misdemeanor."

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Tennessee

"It shall be unlawful for any person to sell, give, or furnish to any person under the age of 18 years any cigarettes or tobacco in any form."

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South Carolina

"If any person shall sell or give to any person under the age of 18 years any cigarettes or tobacco in any form, he shall be fined or imprisoned."

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Wyoming

"No person shall sell or give to any person under the age of 18 years any cigarette or any tobacco in any form."

any person to sell or give to any person under the age of 18 years any cigarette or any tobacco in any form."

Minors under the age of 17 years

Delaware

"Whoever ---- sells or gives to or in any way assists any minor, under the age of 17 years, in obtaining cigarettes ---- shall be fined or imprisoned."

North Carolina

"If any person shall sell, give ---- cigarettes ---- to any minor under the age of 17 years ---- he shall be guilty of a misdemeanor."

Vermont

"A person who sells or gives away ---- tobacco in any form to a person under 17 years of age except upon written order or permission of the minor's parents or guardian shall be fined."

Minors under the age of 16 years

Colorado

"It shall be unlawful for any person to give or sell cigarettes to any person under the age of 16 years."

Connecticut

"Any person who sells, gives or delivers to any minor under 16 years of age tobacco in any form shall be fined."

District of Columbia

Illinois

"No person ---- shall sell, buy for or furnish any ---- cigarette or tobacco in any of its forms, to any minor under 16 years of age, unless upon the written order of parent or guardian."

Indiana

"It shall be unlawful for any person or persons to give ---- or sell ---- to any child or children under 16 years any tobacco."

"It shall be unlawful for any person ---- to sell ---- to any minor, any cigarettes ----"

--- sells --- or gives away to --- any person
under 16 years, any cigarette --- or tobacco shall be
punished."

--- sells tobacco in any form to any minor under the
age of 16 years or gives --- to any minor under the age of
16 years, a misdemeanor."

--- shall knowingly sell cigarettes or tobacco in
any form to a minor under the age of 16 years."

--- shall sell, give or deliver to any minor under 16
years in the form of cigarettes."

--- shall sell, give --- to any minor under the age of
16 years without the written consent of the parent or guard-
ian of the minor in any form, cigarettes or tobacco,

--- shall sell --- or furnish to any minor under 16
years in any form --- shall be
punished."

15 years

--- shall sell or furnish tobacco in any shape
or form to any minor under the age of 15 years."

--- shall be liable for --- persons --- to sell --- or
furnish to any minor under the age of 15
years unless authorized in writing by the parent or
guardian of the minor."

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Ambiguous Statutes

Alabama

"Any person who sells ---- or gives to any minor, any cigarettes ---- shall be fined or imprisoned."
(Note: Reference must be made to common law definition of minor, namely, all persons under the age of 21 years are minors.)

Oklahoma

"Any person who shall furnish to any minor by gift, or sale any cigarettes ---- shall be guilty of a misdemeanor."
(Note: Although minors are defined by age in other statutory provisions, it is not defined in this section. Therefore, the common law definition must prevail, namely, any person under 21 years of age.)

New Hampshire

Probably an 18 years of age state, but note the two provisions:
"If any person shall sell cigarettes or tobacco in any other way to a minor he shall be fined."
"If any person other than the minor's parent or guardian shall give ---- any cigarette ---- or tobacco in any of its forms to a minor under 18 years of age he shall be fined."

Georgia - law repealed in 1960

Louisiana

Wisconsin

States which require special posting of machines

California

Law of law must be posted on machine.

Massachusetts

Law of law must be posted at location, plus "PERSONS UNDER 21 PROHIBITED FROM USING THIS MACHINE" must be posted on each

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New Mexico

Copy of law must be posted on machine.

North Dakota

Notification that "ALL PERSONS UNDER 21 MAY NOT PURCHASE FROM MACHINE" must be posted on machine.

Ohio

State license must be displayed at each location, showing the law (but need not be affixed to machine itself).

Vermont

Copy of law must be posted at location.

Pennsylvania

Name and address of the owner and operator of the cigarette vending machine must be conspicuously and visibly posted on the machine.

Indiana

Name and address of the owner and operator of the cigarette vending machine must be conspicuously and visibly posted on the machine.

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