

A bill for an act
relating to municipal tobacco licenses; authorizing alternatives to license
suspension for sales to minors upon compliance with certain requirements;
amending Minnesota Statutes 2010, section 461.12, subdivision 2.

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

Section 1. Minnesota Statutes 2010, section 461.12, subdivision 2, is amended to read:

Subd. 2. **Administrative penalties; licensees.** (a) If a licensee or employee of a
licensee sells tobacco or tobacco-related devices to a person under the age of 18 years, or
violates any other provision of this chapter, the licensee shall be charged an administrative
penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation
at the same location within 24 months after the initial violation. For a third violation at the
same location within 24 months after the initial violation, an administrative penalty of
\$250 must be imposed, and the licensee's authority to sell tobacco at that location must be
suspended for not less than seven days.

(b) No suspension or penalty may take effect until the licensee has received notice,
served personally or by mail, of the alleged violation and an opportunity for a hearing
before a person authorized by the licensing authority to conduct the hearing. A decision
that a violation has occurred must be in writing.

(c) In lieu of the license suspension provisions of this subdivision or a similar local
ordinance, the licensing authority may take any alternative, authorized enforcement action
that the authority deems fit if it determines that the violation was caused by a sincere
mistake made by an employee of the licensee. Prior to making a determination to take
alternative enforcement action, the licensing authority shall consider whether or not the

H.F. No. 962, 1st Engrossment - 87th Legislative Session (2011-2012) [H0962-1]

- 2.1 licensee has a company policy which prohibits the sale of tobacco to minors, provides
- 2.2 relevant employee training, and conducts unannounced compliance checks on employees.