

A bill for an act

relating to municipal tobacco licenses; limiting suspensions of licenses 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) Except as provided in paragraph (d), a license must not be suspended if the licensee:

(1) has adopted and implemented a company policy that prohibits the sale of tobacco to minors and imposes penalties for illegal sales;

(2) has implemented a training program;

- 2.1 (3) trains new employees within seven days of the hire date and annually thereafter;
2.2 and
2.3 (4) performs unannounced tests of employees on compliance with company policy.
2.4 (d) Notwithstanding paragraph (c), a licensing authority may suspend a license under
2.5 paragraph (a) if all of the following conditions are met:
2.6 (1) a license was not suspended under the provisions of paragraph (c);
2.7 (2) in a subsequent 24-month period violations under paragraph (a) or a local
2.8 ordinance occur in the same location; and
2.9 (3) the licensing authority reviews the violations and determines that the licensees'
2.10 training program and unannounced testing policy are inadequate to prevent violations
2.11 under paragraph (a).