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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4634

03/07/2024

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The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act  
1.2 relating to tobacco retailers; requiring tobacco retailers to offer for sale at least  
1.3 one type of nicotine replacement therapy product; proposing coding for new law  
1.4 in Minnesota Statutes, chapter 461.

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

1.6 Section 1. 461.185] TOBACCO RETAILERS; NICOTINE REPLACEMENT  
1.7 THERAPY PRODUCTS.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
1.9 the meanings given.

1.10 (b) "Cigar shop" means a retail establishment in which the only tobacco and  
1.11 tobacco-related devices available for sale are cigars and cigar accessories, including lighters,  
1.12 cigar cutters, humidors, and cigar carrying tubes. An establishment shall be considered a  
1.13 cigar shop for purposes of this section even if the establishment offers for retail sale other  
1.14 products that are not tobacco or tobacco-related devices.

1.15 (c) "Electronic delivery device" has the meaning given in section 609.685, subdivision  
1.16 1.

1.17 (d) "Nicotine replacement therapy product" means a nicotine replacement therapy drug,  
1.18 device, or combination product that has been approved by the federal Food and Drug  
1.19 Administration for the cessation of tobacco use.

1.20 (e) "Tobacco" has the meaning given in section 609.685, subdivision 1.

1.21 (f) "Tobacco-related devices" has the meaning given in section 609.685, subdivision 1.

2.1 (g) "Tobacco retailer" means an individual or entity licensed according to section 461.12  
2.2 to engage in the retail sale of tobacco, tobacco-related devices, and electronic delivery  
2.3 devices.

2.4 Subd. 2. **Nicotine replacement therapy products offered for sale.** Except as provided  
2.5 in subdivision 5, a tobacco retailer that sells or offers for sale any tobacco, tobacco-related  
2.6 devices, or electronic delivery devices must maintain a stock of, and offer for retail sale, at  
2.7 least one type of nicotine replacement therapy product. Each tobacco retailer has the authority  
2.8 to determine:

2.9 (1) whether the tobacco retailer will stock and offer for sale more than one type of  
2.10 nicotine replacement therapy product;

2.11 (2) the number and type of nicotine replacement therapy products the tobacco retailer  
2.12 stocks and offers for sale; and

2.13 (3) the quantity of each nicotine replacement therapy product the tobacco retailer stocks  
2.14 and offers for sale.

2.15 Subd. 3. **Restocking.** A tobacco retailer that is subject to subdivision 2 and that sells  
2.16 out of the tobacco retailer's entire stock of nicotine replacement therapy products must:

2.17 (1) within five business days after the date the tobacco retailer sells its last nicotine  
2.18 replacement therapy product, place an order for a new stock of a nicotine replacement  
2.19 therapy product; and

2.20 (2) within 14 calendar days after the date the tobacco retailer sells its last nicotine  
2.21 replacement therapy product, again stock and offer for retail sale a nicotine replacement  
2.22 therapy product.

2.23 Subd. 4. **Display and notice.** (a) A tobacco retailer that is subject to subdivision 2 must:

2.24 (1) display the nicotine replacement therapy products that it offers for retail sale behind  
2.25 a checkout counter where the public is not permitted;

2.26 (2) provide printed notice within the tobacco retailer's establishment that nicotine  
2.27 replacement therapy products are available for retail sale at that location; and

2.28 (3) display the official logo, telephone number, and internet address for the tobacco  
2.29 cessation program administered by or under contract with the commissioner of health under  
2.30 section 144.397.

3.1 (b) The commissioner of health may establish requirements for how the materials required  
3.2 under paragraph (a), clauses (2) and (3), must be displayed, and for the size and other  
3.3 characteristics of the notice required under paragraph (a), clause (2).

3.4 Subd. 5. **Exception.** Subdivisions 2 to 4 do not apply to cigar shops.