

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2014-5

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4  
5 AN ORDINANCE

6 RELATING TO THE PROHIBITION OF THE PROCUREMENT OF TOBACCO BY  
7 MINORS; AMENDING SUBSECTION 16-15.4 SFCC 1987 TO AMEND THE DEFINITION  
8 OF “TOBACCO PRODUCT” AND CREATE A NEW DEFINITION FOR “ELECTRONIC  
9 SMOKING DEVICE”.

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11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

12 Section 1. Subsection 16-15.4 SFCC 1987 (being Ord. #2005-7, §3) is amended to  
13 read:

14 **16-15.4 Prohibiting the Procurement of Tobacco by Minors.**

15 A. Definitions as used in this section:

16 (1) *Electronic smoking device* means any product containing or delivering  
17 nicotine or any substance intended for human consumption that can be used by a person to  
18 simulate smoking through inhalation of vapor or aerosol from the product. “Electronic  
19 smoking device” includes any component part of such product whether or not sold separately.

20 (2) *Minor* means an individual who is less than eighteen (18) years of age.

21 (3) *Tobacco product* means any product that is made from or derived from  
22 tobacco or contains nicotine or any substance intended to be inhaled or ingested in a way that  
23 simulates smoking, and is intended for human consumption or is likely to be consumed,  
24 whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other  
25 means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco,

1 snuff, snus or an electronic smoking device.

2 B. No person shall knowingly sell, offer to sell, barter or give any tobacco product to  
3 any minor.

4 C. No minor shall procure or attempt to procure any tobacco products.

5 D. No person shall sell, offer to sell or deliver a tobacco product in a form other than an  
6 original factory-sealed package.

7 E. Evidence of the age and identity of the person may be shown by any document that  
8 contains a picture of the person issued by a federal, state, county or municipal government, including  
9 a motor vehicle driver's license or an identification card issued to a member of the armed forces.

10 F. Any person selling goods at retail or wholesale may refuse to sell tobacco products to  
11 any person who is unable to produce an identity card as evidence that he is eighteen (18) years of age  
12 or over.

13 G. No minor shall present any written, printed, or photostatic evidence of age or identity  
14 that is false for the purpose of procuring or attempting to procure any tobacco products.

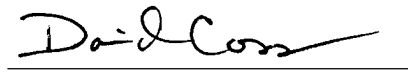
15 H. A person who sells, distributes, promotes or advertises tobacco products shall not  
16 provide free samples or tobacco products to a minor. This shall not apply to an individual who  
17 provides free samples of tobacco products to a family member or to an acquaintance on private  
18 property not held open to the public.

19 I. The police department is authorized to conduct random, unannounced inspection of  
20 facilities where tobacco products are sold to ensure compliance with the provisions of the section.

21 J. Any person who violates paragraphs B, D and H of this section is guilty of a petty  
22 misdemeanor. A person who violates paragraphs C and G of this section shall be referred to the  
23 juvenile probation office.

24 PASSED, APPROVED and ADOPTED this 12<sup>th</sup> day of February, 2014.

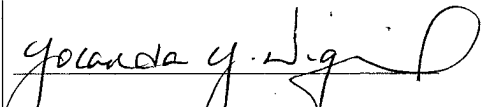
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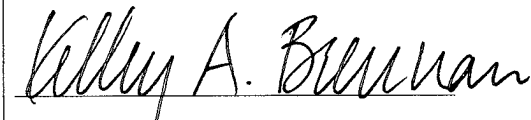
DAVID COSS, MAYOR

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ATTEST:

  
YOLANDA Y VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
KELLEY BRENNAN, INTERIM CITY ATTORNEY