

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 5: BUSINESS REGULATION**

**§ 50140. License Issuance Restrictions.**

The Department of Commerce, Alcohol Beverage and Tobacco Control Division, shall not issue a license of any class to any applicant that falls into one of the following categories, except pursuant to the restrictions noted herein:

(a) *Real Party in Interest*. The applicant is not the real party in interest.

(b) *Minors*. The applicant is under 18 years of age.

(c) *Prior Revocation*. Except in the case of a license revoked for nonpayment of the renewal fee, the applicant is a person or establishment that held a tobacco license of any class that was revoked within the prior year by the Department of Commerce.

(d) *Retail Establishment Near School*. Any license issued to a retail establishment located within 300 feet from any school, public or private, shall contain a restriction limiting the hours of sale to those when the school is closed to students, either for class, or other activities.

**Source:** PL 11-75, § 12, modified; amended by PL 11-113, § 1, modified.

**Commission Comment:** PL 11-113 which amended this section took effect on January 18, 2000. PL 11-113 contained severability, and savings clause provisions as follows:

Section 2. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 3. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.