



House of Representatives *State of Utah*

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January 20, 2004

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 189**, TOBACCO COMPLIANCE AMENDMENTS, by Representative D. Hogue, with the following amendments:

1. *Page 9, Lines 264 through 272:*

264 [[If a court of competent jurisdiction finds that the amendments to Section 59-22-203 of
265 this bill and the provisions of Chapter 22, Model Tobacco Settlement Act, conflict and cannot
266 be harmonized, then the provisions of Chapter 22, Model Tobacco Settlement Act, shall
267 control. If any part of the amendments to Section 59-22-203 causes Chapter 22, Model
268 Tobacco Settlement Act to no longer constitute a qualifying or model statute, as defined in the
269 Master Settlement Agreement, that part of the amendments to Section 59-22-203 shall not be
270 valid. If any part of the amendments to Section 59-22-203 is for any reason held to be invalid,
271 unlawful, or unconstitutional, the validity of the remaining part of the amendments to Section
272 59-22-203 shall not be affected.]] If this act, or any portion of the amendment to Subsection (2)(b)
made by this act, is held by a court of competent jurisdiction to be unconstitutional, then such
Subsection (2)(b) shall be deemed to be repealed in its entirety. If subsection (2) shall thereafter be held
by a court of competent jurisdiction to be unconstitutional, then this act shall be deemed repealed, and
Subsection (2)(b) be restored as if no such amendment has been made. Neither any holding of
unconstitutionality nor repeal of Subsection (2)(b) shall affect, impair, or invalidate any other portion of
Section 59-22-203, or the application of such section to any other person or circumstance, and such
remaining portions of Section 59-22-203 shall at all times continue in full force and effect.

Respectfully,

Mike Thompson
Committee Chair

Voting: 9-0-1

3 HB0189.HC1.WPD 1/20/04 10:02 am snewton/MDA CJD/MDA

Bill Number



HB0189

Action Class



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Action Code



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