

5th Sub. H.B. 23

TOBACCO AND ELECTRONIC CIGARETTE AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 11, 2020 2:13 PM

Senator **Jani Iwamoto** proposes the following amendments:

1. *Page 2, Line 54 through Page 3, Line 57:*

54 ▶ amends the number of times that a peace officer must conduct an investigation of a
55 retail shop for underage tobacco sales; and
56 { ~~→ preempts certain ordinances, rules, and regulations on tobacco products, electronic~~
57 ~~cigarette products, and tobacco paraphernalia; and~~ }

2. *Page 4, Lines 89 through 95:*

89 ENACTS:
90 26-62-206, Utah Code Annotated 1953
91 26-62-401, Utah Code Annotated 1953
92 26-62-402, Utah Code Annotated 1953
93 76-10-113, Utah Code Annotated 1953
94 76-10-114, Utah Code Annotated 1953
95 { ~~76-10-115, Utah Code Annotated 1953~~ }

3. *Page 46, Line 1400 through Page 47, Line 1421:*

1400 { ~~Section 27. Section 76-10-115 is enacted to read:~~ }
1401 { ~~76-10-115. Ordinances, rules, and regulations.~~
1402 ~~—— (1) Except as provided in Subsection (2), an ordinance, rule, or regulation adopted by a~~
1403 ~~governing body of a political subdivision of the state or a state agency is superseded if:~~
1404 ~~—— (a) the ordinance, rule, or regulation affects:~~
1405 ~~—— (i) the minimum age of sale for a tobacco product, an electronic cigarette product, or~~
1406 ~~tobacco paraphernalia;~~
1407 ~~—— (ii) the provision of a tobacco product, an electronic cigarette product, or tobacco~~
1408 ~~paraphernalia;~~
1409 ~~—— (iii) the flavoring of a tobacco product or an electronic cigarette product;~~
1410 ~~—— (iv) the purchase or possession of a tobacco product, an electronic cigarette product, or~~
1411 ~~tobacco paraphernalia; or~~
1412 ~~—— (v) the sale, placement, or display of a tobacco product or an electronic cigarette~~
1413 ~~product; and~~
1414 ~~—— (b) the ordinance, rule, or regulation is not essentially identical to any state statute~~
1415 ~~relating to the applicable subject described in Subsection (1)(a).~~

1416 ~~—— (2) A governing body of a political subdivision of the state or a state agency may adopt~~
1417 ~~an ordinance, rule, or regulation on a subject described in Subsections (1)(a)(i) through (v) if~~
1418 ~~the governing body of a political subdivision of the state or a state agency is authorized by~~
1419 ~~statute to adopt the ordinance, rule, or regulation.~~
1420 ~~—— (3) Subsection (1) does not apply to the adoption or enforcement of a land use~~
1421 ~~ordinance by a municipal or county government.}~~

Please renumber the following sections accordingly.