

6th Sub. H.B. 23

TOBACCO AND ELECTRONIC CIGARETTE AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 11, 2020 2:13 PM

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

1. *Page 2, Lines 41 through 42:*

41 { ~~preempts certain ordinances, rules, and regulations on tobacco products, electronic~~
42 ~~cigarette products, and tobacco paraphernalia;~~ }

2. *Page 3, Lines 79 through 86:*

79 ENACTS:
80 26-62-206, Utah Code Annotated 1953
81 26-62-401, Utah Code Annotated 1953
82 26-62-402, Utah Code Annotated 1953
83 76-10-113, Utah Code Annotated 1953
84 76-10-114, Utah Code Annotated 1953
85 76-10-115, Utah Code Annotated 1953
86 { ~~76-10-116, Utah Code Annotated 1953~~ }

3. *Page 47, Line 1430 through Page 48, Line 1452:*

1431 { ~~Section 31. Section 76-10-116 is enacted to read:~~
1432 ~~76-10-116. Ordinances, rules, and regulations:~~
1433 ~~(1) Except as provided in Subsection (2), an ordinance, rule, or regulation adopted by a~~
1434 ~~governing body of a political subdivision of the state or a state agency is superseded if:~~
1435 ~~(a) the ordinance, rule, or regulation affects:~~
1436 ~~(i) the minimum age of sale for a tobacco product, an electronic cigarette product, or~~
1437 ~~tobacco paraphernalia;~~
1438 ~~(ii) the provision or sale of a tobacco product, an electronic cigarette product, or~~
1439 ~~tobacco paraphernalia;~~
1440 ~~(iii) the flavoring of a tobacco product or an electronic cigarette product;~~
1441 ~~(iv) the purchase or possession of a tobacco product, an electronic cigarette product, or~~
1442 ~~tobacco paraphernalia; or~~
1443 ~~(v) the placement or display of a tobacco product or an electronic cigarette product;~~
1444 ~~and~~
1445 ~~(b) the ordinance, rule, or regulation is not essentially identical to any state statute~~
1446 ~~relating to the applicable subject described in Subsection (1)(a);~~
1447 ~~(2) A governing body of a political subdivision of the state or a state agency may adopt~~

- 1448 ~~an ordinance, rule, or regulation on a subject described in Subsections (1)(a)(i) through (v) if~~
1449 ~~the governing body of a political subdivision of the state or a state agency is authorized by~~
1450 ~~statute to adopt the ordinance, rule, or regulation.~~
1451 ~~—— (3) Subsection (1) does not apply to the adoption or enforcement of a land use~~
1452 ~~ordinance by a municipal or county government.}~~

Please renumber the following sections accordingly.