

6th Sub. H.B. 23

TOBACCO AND ELECTRONIC CIGARETTE AMENDMENTS

Senator **Wayne A. Harper** proposes the following amendments:

1. Page 47, Line 1432 through Page 48, Line 1452:

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1434 ~~governing body of a political subdivision of the state or a state agency is superseded if:~~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. }~~

(1) An ordinance, regulation, or rule adopted by the governing body of a political subdivision of the state or by a state agency that affects the sale, minimum age of sale, placement, or display of tobacco products or electronic cigarette products that is not essentially identical to the provisions of Sections 76-10-102 and 76-10-105.1 is superseded.

1451 ~~{ (3) }~~ (2) Subsection (1) does not apply to the adoption or enforcement of a land use

1452 ordinance by a municipal or county government.