

6th Sub. H.B. 23

TOBACCO AND ELECTRONIC CIGARETTE AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 6

MARCH 11, 2020 4:43 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 43, Lines 1310 through 1315:*

1310 {+} (8) (a) An ordinance, regulation, or rule adopted by the governing body of a political
1311 subdivision of the state or by a state agency that affects the sale, minimum age of sale,
1312 placement, or display of {~~cigarettes, tobacco,~~} tobacco products or electronic
 {~~cigarettes~~} cigarette products that is not essentially
1313 identical to this section and Section 76-10-102 is superseded.
1314 (b) Subsection (8)(a) does not apply to the adoption or enforcement of a land use
1315 ordinance by a municipal or county government. {+}

4. *Page 47, Line 1431 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1434 ~~governing body of a political subdivision of the state or a state agency is superseded if:~~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.