

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

249C0299

HOUSE BILL NO. 1168

Introduced by: Representatives Brown (Richard), Brown (Jarvis), Fischer-Clemens, Lucas, and Solum and Senators Brown (Arnold), Albers, Lange, Lawler, and Vitter

1 FOR AN ACT ENTITLED, An Act to allow counties and municipalities to regulate use,
2 distribution, marketing, promotion, and sale of tobacco products.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-50-64 be amended to read as follows:

5 10-50-64. The Legislature ~~is the exclusive regulator of all~~ may regulate matters relating to
6 the use of tobacco products. Any municipality for the area within the municipal boundaries, and
7 any county for the area outside of any municipal boundaries may provide, by ordinance, for
8 regulations relating to the use, distribution, marketing, promotion, and sale of tobacco products
9 that are more restrictive than those provided for by the Legislature. Nothing prohibits a person
10 or a public entity from voluntarily regulating the use of tobacco products on the person's or
11 entity's property.

12 Section 2. That § 34-46-6 be amended to read as follows:

13 34-46-6. Enforcement of this chapter shall be implemented in an equitable and uniform
14 manner ~~throughout the state so as to ensure the eligibility for and receipt of any federal funds or~~
15 grants that the state now receives or may receive relating to the provisions of this chapter. For
16 the purposes of equitable and uniform regulation and implementation, the Legislature through

1 this chapter ~~is the exclusive regulator of all~~ may regulate matters relating to the distribution,
2 marketing, promotion, and sale of tobacco products. Any municipality for the area within the
3 municipal boundaries, and any county for the area outside of any municipal boundaries may
4 provide, by ordinance, for regulations relating to the use, distribution, marketing, promotion, and
5 sale of tobacco products that are more restrictive than those provided for by the Legislature.