

# 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

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5    sale of tobacco products that are more restrictive than those provided for by the Legislature.