

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

292I0666

SENATE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 192** - 02/19/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senator Reedy and Representatives Nesselhuf and Schafer

1 FOR AN ACT ENTITLED, An Act to allow local units of government to regulate the sale,
2 distribution, and use 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 matters relating to the use of~~
6 ~~tobacco products.~~ The provisions of this chapter are the minimum standards relating to the
7 distribution, marketing, promotion, and sale of tobacco products. Any municipality, for the area
8 within the municipal boundaries, and any county, for the area outside of any municipal
9 boundaries, may provide, by ordinance, for regulations relating to the use, distribution,
10 marketing, promotion, and sale of tobacco products that are more restrictive than those provided
11 for by this chapter. Nothing prohibits a person or a public entity from voluntarily regulating the
12 use of tobacco products on the person's or entity's property.

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

14 34-46-6. Enforcement of this chapter shall be implemented ~~in an equitable and uniform~~
15 ~~manner throughout the state~~ so as to ensure the eligibility for and receipt of any federal funds or



1 grants that the state now receives or may receive relating to the provisions of this chapter. For
2 the purposes of equitable and uniform regulation and implementation, the Legislature through
3 this chapter is the exclusive regulator of all matters relating to the distribution, marketing,
4 promotion, and sale of tobacco products. The provisions of this chapter are the minimum
5 standards relating to the distribution, marketing, promotion, and sale of tobacco products. Any
6 municipality, for the area within the municipal boundaries, and any county, for the area outside
7 of any municipal boundaries, may provide, by ordinance, for regulations relating to the use,
8 distribution, marketing, promotion, and sale of tobacco products that are more restrictive than
9 those provided for by this chapter.