

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

372L0589

## SENATE BILL NO. 137

Introduced by: Senators Knudson, Adelstein, McCracken, Nesselhuf, and Sutton (Duane)  
and Representatives Hunhoff, Bradford, Cutler, Frost, Glenski, Howie, Kraus,  
Lange, Miles, Rave, Roberts, Thompson, Van Etten, and Weems

1 FOR AN ACT ENTITLED, An Act to allow local units of government to regulate the sales,  
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



1 or 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.~~