

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

715P0165

HOUSE BILL NO. 1237

Introduced by: Representatives Cutler, Ahlers, Elliott, Feinstein, Glenski, McLaughlin, Miles, Novstrup (David), Pitts, Thompson, Van Etten, and Weems and Senators Hunhoff, Hansen (Tom), Hoerth, Jerstad, Knudson, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to allow local units of government to regulate the sales,
2 distribution, marketing, promotion, and use of tobacco products.

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

4 Section 1. That chapter 7-18A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any county, for the area outside of any municipal boundaries, may provide, by ordinance,
7 for regulations relating to the use, distribution, marketing, promotion, and sale of tobacco that
8 are more restrictive than those provided for by the Legislature. However, no county may pass
9 any ordinance that contradicts or interferes with the provisions of §§ 10-50-72 to 10-50-98,
10 inclusive; contradicts or interferes with the enforcement of chapter 10-50B; interferes with the
11 state's enforcement of the Master Settlement Agreement as defined in § 10-50B-3; or that would
12 result in a breach of the Master Settlement Agreement as defined in § 10-50B-3. Any ordinance
13 passed in violation of this section is void ab initio.

14 Section 2. That chapter 9-19 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 Any municipality, for the area within its boundaries, may provide, by ordinance, for
3 regulations relating to the use, distribution, marketing, promotion, and sale of tobacco that are
4 more restrictive than those provided for by the Legislature. However, no municipality may pass
5 any ordinance that contradicts or interferes with the provisions of §§ 10-50-72 to 10-50-98,
6 inclusive; contradicts or interferes with the enforcement of chapter 10-50B; interferes with the
7 state's enforcement of the Master Settlement Agreement as defined in § 10-50B-3; or that would
8 result in a breach of the Master Settlement Agreement as defined in § 10-50B-3. Any ordinance
9 passed in violation of this section is void ab initio.

10 Section 3. That § 10-50-64 be amended to read as follows:

11 ~~10-50-64. The Legislature is the exclusive regulator of all matters relating to the use of~~
12 ~~tobacco products.~~ Nothing prohibits a person or a public entity from voluntarily regulating the
13 use of tobacco products on the person's or entity's property.

14 Section 4. That § 34-46-6 be amended to read as follows:

15 ~~34-46-6. Enforcement of this chapter shall be implemented in an equitable and uniform~~
16 ~~manner throughout the state~~ so as to ensure the eligibility for and receipt of any federal funds
17 or grants that the state now receives or may receive relating to the provisions of this chapter. ~~For~~
18 ~~the purposes of equitable and uniform regulation and implementation, the Legislature through~~
19 ~~this chapter is the exclusive regulator of all matters relating to the distribution, marketing,~~
20 ~~promotion, and sale of tobacco products.~~