

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 611

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES; AMENDING SECTION
3 39-5713, IDAHO CODE, TO PROHIBIT CERTAIN ACTIONS BY LOCAL UNITS OF GOV-
4 ERNMENT.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 39-5713, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-5713. LOCAL ORDINANCES PROHIBITED. ~~Nothing in this chapter shall~~
9 ~~be construed to prohibit local units of government from passing ordinances~~
10 ~~which are more stringent than the provisions of this chapter. Provided how-~~
11 ~~ever, local units of government shall not have the power to require a per-~~
12 ~~mit or license for the sale or distribution of tobacco products or electronic~~
13 ~~cigarettes~~ No local unit of government may adopt or enforce requirements for
14 the regulation, marketing, or sale of tobacco products or electronic ciga-
15 rettes that are more restrictive than or in addition to state law. No lo-
16 cal unit of government may impose or enforce a tax or fee on tobacco products
17 or electronic cigarettes. This section shall not be construed to prevent a
18 city, town, or county from regulating the public use of tobacco products or
19 electronic cigarettes. Nothing in this section shall preclude or preempt
20 any local, county, or municipal government from exercising its lawful au-
21 thority to regulate zoning or land use.