

IN THE SENATE

SENATE BILL NO. 1285, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES; AMENDING SECTION 39-5713, IDAHO CODE, TO PROHIBIT CERTAIN LOCAL REGULATION AND TAXES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

39-5713. LOCAL ORDINANCES PROHIBITED. Nothing in this chapter shall be construed to prohibit local units of government from passing ordinances which are more stringent than the provisions of this chapter. Provided however, local units of government shall not have the power to require a permit or license for the sale or distribution of tobacco products or electronic cigarettes. No local unit of government may adopt or enforce requirements for the regulation, marketing, or sale of tobacco products or electronic smoking devices that are more restrictive than or in addition to this chapter. No local unit of government may impose or enforce a tax or fee on tobacco products or electronic smoking devices. This section shall not be construed to prevent a local unit of government from regulating the use of tobacco products or electronic smoking devices in any public place pursuant to section 39-5511, Idaho Code, or in any other public outdoor area. Nothing in this section shall preclude or preempt any local, county, or municipal government from exercising its lawful authority to regulate zoning or land use.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.