

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 363

BY WAYS AND MEANS COMMITTEE

1 AN ACT
2 RELATING TO TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES; AMENDING SEC-
3 TION 39-5713, IDAHO CODE, TO PROHIBIT CERTAIN LOCAL REGULATION AND
4 TAXES.

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 permit~~
12 ~~or license for the sale or distribution of tobacco products or electronic~~
13 ~~cigarettes. No local unit of government may adopt or enforce requirements~~
14 ~~for the regulation, marketing, or sale of tobacco products or electronic~~
15 ~~smoking devices that are more restrictive than or in addition to this chap-~~
16 ~~ter. No local unit of government may impose or enforce a tax or fee on tobacco~~
17 ~~products or electronic smoking devices. This section shall not be construed~~
18 ~~to prevent a local unit of government from regulating the use of tobacco~~
19 ~~products or electronic smoking devices in any public place pursuant to sec-~~
20 ~~tion 39-5511, Idaho Code, or in any other public outdoor area.~~