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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

FOR THE TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE

AN ACT

RELATING TO TOBACCO PRODUCTS; CLARIFYING THAT MUNICIPALITIES AND COUNTIES MAY ENACT ORDINANCES, CHARTER AMENDMENTS OR REGULATIONS PERTAINING TO THE SALES OF TOBACCO PRODUCTS THAT ARE STRICTER THAN, BUT NOT IN CONFLICT WITH, THE PROVISIONS OF THE TOBACCO PRODUCTS ACT; REPEALING A SECTION OF THE TOBACCO PRODUCTS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Tobacco Products Act is enacted to read:

"[NEW MATERIAL] PRESERVATION OF COUNTY AND MUNICIPALITY AUTHORITY.--Nothing in state law shall be construed to limit a county or municipality, including a home rule municipality or an urban county, from licensing a tobacco retail establishment or regulating tobacco products more stringently than state law.

.223309.2

underscored material = new
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1 Notwithstanding any other law to the contrary, a county or
2 municipality may adopt and enforce ordinances and regulations
3 related to tobacco retail establishments and tobacco products
4 if the ordinance or regulation is at least as stringent as
5 those of the Tobacco Products Act."

6 SECTION 2. REPEAL.--Section 61-37-24 NMSA 1978 (being
7 Laws 2020, Chapter 46, Section 24) is repealed.