

1 SENATE BILL 179

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Martin Hickey and Linda M. Lopez

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8 FOR THE TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE

9  
10 AN ACT

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

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

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

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

.223309.2

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

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7 Laws 2020, Chapter 46, Section 24) is repealed.