COMMITTEE REPORT

April 6, 2021

**H. 3681**

Introduced by Reps. Simrill, Rutherford, Bannister, West and Lowe

S. Printed 4/6/21--H.

Read the first time January 14, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3681) to amend the Code of Laws of South Carolina, 1976, by adding Section 44‑95‑45 so as to provide that political subdivisions of this State may not enact, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 95, Title 44 of the 1976 Code is amended by adding:

“Section 44‑95‑45. (A) Political subdivisions of this State may not enact any laws, ordinances, or rules pertaining to ingredients, flavors, or licensing, beyond a general business license, related to the sale of the following products:

(1) cigarettes, as defined in Section 12‑21‑620;

(2) electronic smoking devices, e‑liquid, vapor products, tobacco products, or alternative nicotine products, each as defined in Section 16‑17‑501; or

(3) any other product containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means.

(B) Nothing in this section shall be construed to interfere with a political subdivision’s authority to determine its own public use policies relating to any of the products referenced in this section.”

SECTION 2. Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to ingredients, flavors, or licensing, related to the sale of cigarettes, electronic smoking devices, e‑liquid, vapor products, tobacco products, alternative nicotine products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means, and municipal code amendments to said laws, ordinances, or rules, are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision’s authority to determine its own public use policies relating to any of the products referenced in this act.

SECTION 3. Nothing in this act shall be construed to interfere with a political subdivision’s authority under Chapter 29, Title 6, including, without limitation, with respect to land use regulation, land development regulation, zoning, or permitting.

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

CHRIS MURPHY for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑95‑45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E‑LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 95, Title 44 of the 1976 Code is amended by adding:

“Section 44‑95‑45. (A) Political subdivisions of this State may not enact any laws, ordinances, or rules pertaining to ingredients, flavors, or licensing of the following products:

(1) cigarettes, as defined in Section 12‑21‑620;

(2) electronic smoking devices, e‑liquid, vapor products, tobacco products, or alternative nicotine products, each as defined in Section 16‑17‑501; or

(3) any other product containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means.

(B) Nothing in this section shall be construed to interfere with a political subdivision’s authority to determine its own public use policies relating to any of the products referenced in this section.”

SECTION 2. Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to ingredients, flavors, or licensing of cigarettes, electronic smoking devices, e‑liquid, vapor products, tobacco products, alternative nicotine products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision’s authority to determine its own public use policies relating to any of the products referenced in this act.

SECTION 3. This act takes effect upon approval by the Governor.

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