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HOUSE BILL 97

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Joanne J. Ferrary and Elizabeth "Liz" Thomson

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.

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

SECTION 1. Section 61-37-24 NMSA 1978 (being Laws 2020, Chapter 46, Section 24) is amended to read:

"61-37-24. PREEMPTION.--When a municipality or county, including a home rule municipality or an urban county, adopts an ordinance, charter amendment or regulation pertaining to the sales of tobacco products, the ordinance, charter amendment or regulation shall be consistent with the provisions of the Tobacco Products Act. Nothing in this section shall be

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1 construed to prohibit a municipality or county from enacting
2 ordinances, charter amendments or regulations pertaining to the
3 sales of tobacco products that are stricter than, but not in
4 conflict with, the provisions of the Tobacco Products Act."

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