

1 SENATE BILL 95

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Linda M. Lopez

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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.

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

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

20 "61-37-24. PREEMPTION.--When a municipality or county,  
21 including a home rule municipality or an urban county, adopts  
22 an ordinance, charter amendment or regulation pertaining to the  
23 sales of tobacco products, the ordinance, charter amendment or  
24 regulation shall be consistent with the provisions of the  
25 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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