

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Cooke

1 Amend reengrossed bill, page 3, after line 23 insert:

2           **"29-30-102. Restrictions on licensing requirements.** (1) THE  
3 FOLLOWING CONDITIONS APPLY TO ANY REGULATION THAT THE COUNTY  
4 COMMISSIONERS OF A COUNTY, THE CITY COUNCIL OF A STATUTORY OR  
5 HOME RULE CITY, OR THE TOWN COUNCIL OF A STATUTORY TOWN IMPOSES  
6 ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE  
7 PRODUCTS, AS DEFINED IN SECTION 18-13-121 (5):

8           (a) ANY LICENSE REQUIRED FOR THE SALE OF CIGARETTES,  
9 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS CANNOT:

10           (I) BE ISSUED ON A PER-CAPITA BASIS;

11           (II) BE DENIED ON THE BASIS OF REGULATING COMPETITION; OR

12           (III) INCLUDE A LICENSE FEE AMOUNT GREATER THAN ONE  
13 HUNDRED DOLLARS PER RETAIL LOCATION; AND

14           (b) THE REGULATION CANNOT:

15           (I) INCLUDE A BAN ON ANY FLAVOR OF CIGARETTES, TOBACCO  
16 PRODUCTS, OR NICOTINE PRODUCTS;

17           (II) REQUIRE A MINIMUM DISTANCE REQUIREMENT BETWEEN TWO  
18 OR MORE RETAIL LOCATIONS AT WHICH CIGARETTES, TOBACCO PRODUCTS,  
19 OR NICOTINE PRODUCTS ARE SOLD;

20           (III) DISCRIMINATE BETWEEN TYPES OF BUSINESSES;

21           (IV) REQUIRE THAT A RETAILER THAT SELLS CIGARETTES,  
22 TOBACCO PRODUCTS, AND NICOTINE PRODUCTS OBTAIN A LICENSE FOR  
23 EACH TYPE OF PRODUCT SOLD SO THAT THE RETAILER WOULD HAVE TO  
24 OBTAIN MULTIPLE LICENSES: ONE FOR SELLING CIGARETTES, ONE FOR  
25 SELLING TOBACCO PRODUCTS, AND ONE FOR SELLING NICOTINE PRODUCTS;  
26 OR

27           (V) AUTHORIZE THE LOCAL GOVERNMENT TO USE MONEY  
28 GENERATED FROM LICENSES FOR ANY PURPOSE OTHER THAN ENFORCING  
29 COMPLIANCE WITH THE PROHIBITION AGAINST FURNISHING CIGARETTES,  
30 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO UNDERAGE  
31 CUSTOMERS."

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