**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3681**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Simrill, Rutherford, Bannister, West and Lowe

Document Path: l:\council\bills\cc\15943vr21.docx

Companion/Similar bill(s): 498

Introduced in the House on January 14, 2021

Introduced in the Senate on April 8, 2021

Last Amended on April 7, 2021

Currently residing in the Senate

Summary: Smoking

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/14/2021 House Introduced and read first time ([House Journal‑page 548](file:///h:\hj\20210114.docx))

1/14/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 548](file:///h:\hj\20210114.docx))

4/6/2021 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 100](file:///h:\hj\20210406.docx))

4/7/2021 House Amended ([House Journal‑page 14](file:///h:\hj\20210407.docx))

4/7/2021 House Read second time ([House Journal‑page 14](file:///h:\hj\20210407.docx))

4/7/2021 House Roll call Yeas‑80 Nays‑23 ([House Journal‑page 16](file:///h:\hj\20210407.docx))

4/8/2021 House Read third time and sent to Senate ([House Journal‑page 6](file:///h:\hj\20210408.docx))

4/8/2021 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h:\sj\20210408.docx))

4/8/2021 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 10](file:///h:\sj\20210408.docx))

4/22/2021 Senate Polled out of committee **Medical Affairs** ([Senate Journal‑page 8](file:///h:\sj\20210422.docx))

4/22/2021 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 8](file:///h:\sj\20210422.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3681&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/14/2021](file:///p:\pprever\2021-22\3681_20210114.docx)

[4/6/2021](file:///p:\pprever\2021-22\3681_20210406.docx)

[4/7/2021](file:///p:\pprever\2021-22\3681_20210407.docx)

[4/22/2021](file:///p:\pprever\2021-22\3681_20210422.docx)

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

April 22, 2021

**H. 3681**

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

S. Printed 4/22/21--S.

Read the first time April 8, 2021.

**THE COMMITTEE ON MEDICAL AFFAIRS**

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:**

Has polled the Bill out majority favorable.

**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, 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.

‑‑‑‑XX‑‑‑‑