**A** **BILL**

TO AMEND CHAPTER 95, TITLE 44 OF THE 1976 CODE, RELATING TO THE CLEAN INDOOR AIR ACT, BY ADDING SECTION 44‑95‑45, TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO THE INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR CERTAIN PRODUCTS CONTAINING NICOTINE, AND TO PROVIDE THAT LAWS, ORDINANCES, OR RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020 ARE NOT SUBJECT TO THIS PREEMPTION.

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 the ingredients, flavors, or licensing of:

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

(2) electronic smoking devices, e-liquid, vapor products, or tobacco products;

(3) alternative nicotine products, as defined in Section 16-17-501(6); or

(4) any products containing nicotine that can be ingested by chewing, smoking, absorbing, dissolving, or inhaling the products, or by any other 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 the 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 by chewing, smoking, absorbing, dissolving, or inhaling the products, or by any other 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.

‑‑‑‑XX‑‑‑‑