**South Carolina General Assembly**

125th Session, 2023-2024

**S. 414**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Gambrell, Massey, Turner, Bennett, Grooms, Alexander and Loftis

Companion/Similar bill(s): 3483, 3681

Document Path: SR-0196KM23.docx

Introduced in the Senate on January 18, 2023

Currently residing in the Senate

Summary: Flavored Vapor and Tobacco Product Ban

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/18/2023 Senate Introduced and read first time ([Senate Journal‑page 6](h:\sj\20230118.docx))

1/18/2023 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 6](h:\sj\20230118.docx))

2/16/2023 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 8](h:\sj\20230216.docx))

2/21/2023 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=414&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/414_20230118.docx)

[02/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/414_20230216.docx)

[02/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/414_20230221.docx)

Committee Report

February 16, 2023

S. 414

Introduced by Senators Gambrell, Massey, Turner, Bennett, Grooms and Alexander

S. Printed 02/16/23--S. [SEC 2/21/2023 12:31 PM]

Read the first time January 18, 2023

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The committee on Senate Medical Affairs

To who was referred a Bill (S. 414) to amend the South Carolina Code of Laws by adding Section 44‑95‑45 so as to provide that political subdivisions of this State may not enact any laws, ordinances, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

DANIEL VERDIN for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS 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 S.C. 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.

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