NON-PREEMPTION CLAUSES

January 2004

“Nothing in this law shall preempt or otherwise affect any other Federal, State, or local tobacco control law which provides protection from health hazards from environmental tobacco smoke.”
-H.R. 3434, introduced in the 103rd United States Congress

~~~

“Sec. 3. Smoking may not be permitted where prohibited by any other law, rule, or regulation of any State agency or any political subdivision of the State. Nothing herein shall be construed to restrict the power of any county, city, town, or village to adopt and enforce additional local laws, ordinances, or regulations which comply with at least the minimum applicable standards set forth in this Article.”
-New York State Public Health Law, Chapter 244

~~~

“Sec. 1746. Municipal Ordinances. Nothing in this chapter shall be construed to supersede or in any manner affect a municipal smoking ordinance provided that the provisions of such ordinance are at least as protective of the rights of nonsmokers as the provisions of this chapter.”
-Vermont, V.S.A. Chapter 37. Smoking in Public Places

~~~

“Sec. 25946. Legislative intent; local regulations. The Legislature declares its intent not to preempt the field of regulation of the smoking of tobacco. A local governing body may ban completely the smoking of tobacco, or may regulate such smoking in any manner not inconsistent with this chapter or any other provision of state law.”
-California Health and Safety Code, Division 20, Section 25946

~~~

“Local Authority. Counties or Cities may also license and control the sale or distribution of tobacco products. License actions may not be undertaken more than once for each offense. Nothing in this chapter preempts or prevents counties or cities from adopting standards or penalties that regulate the sale or distribution of tobacco products.”
-H.B. 1316, introduced in the 54th Legislature of North Dakota

~~~

“Nothing in this Act shall be construed to permit smoking in any area in which smoking is or may hereafter be prohibited by law, including, without limiting the generality of the foregoing, any other provision of the law or ordinance or by-law or any fire, health or safety regulation.”
-S.B. 521, introduced in the Massachusetts Legislative Session of 2003

~~~
“Section 11. Nothing herein shall be construed to restrict the power of any county, city, town, or village to adopt and enforce local laws, ordinances, or regulations that comply with at least the minimum applicable standards set forth in this act.”


~~~

“23-77-20. Preemption. – Nothing contained in this chapter shall be construed to restrict the power or authority of any Rhode Island city, town or other legal subdivision to adopt and enforce additional local laws, ordinances, or regulations that comply with at least the minimal applicable standards to establish smokefree public places as set forth in this chapter.”

-SB 567, Introduced into 2003 Rhode Island Legislative Session

~~~

“(2) Nothing in this chapter prevents a city, town, or county from adopting ordinances more restrictive than this chapter or regulations adopted under this chapter that restrict or prohibit smoking in public places situated within its jurisdiction.”

-HB 1868, Introduced into the 58th Legislature of Washington