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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-43

INTRODUCED BY:

Councilor Carol Romero-Wirth

Councilor Jamie Cassutt-Sanchez

A RESOLUTION

**URGING THE LEGISLATURE OF THE STATE OF NEW MEXICO TO REPEAL THE
STATUTORY PROVISIONS PREEMPTING STRICTER COUNTY AND MUNICIPAL
REGULATION OF THE SALE OF CIGARETTES, TOBACCO PRODUCTS, AND
ELECTRONIC SMOKING DEVICES.**

WHEREAS, tobacco use continues to be a public health problem in New Mexico, as the American Heart Association reports that approximately 2,600 New Mexico residents die from smoking each year, and 40,000 New Mexico children alive today will die prematurely from smoking if nothing is done to reduce tobacco use; and

WHEREAS, in 2015, the New Mexico Legislature passed Senate Bill 433, Tobacco Products, E-Cigarette and Nicotine Liquid Container Act, later signed into law on April 8, 2015, of which Section 10 declares that, "When a municipality or county, including a home rule municipality or urban county, adopts an ordinance or a regulation pertaining to sales of tobacco products, e-cigarettes or nicotine liquid containers, the ordinance or regulation shall be consistent with the provisions of the Tobacco Products, E-Cigarette and Nicotine Liquid Container Act,"

1 thereby nullifying and voiding all conflicting existing local laws and regulations and restricting the
2 ability of communities to address their own burden of tobacco use and addiction; and

3 **WHEREAS**, in 2020, the New Mexico State Legislature passed Senate Bill 131, The
4 Tobacco Products Act, later signed into law on March 4, 2020, part of which Section 24 declares,
5 “when a municipality or county, including a home rule municipality or an urban county, adopts an
6 ordinance, charter amendment or regulation pertaining to the sales of tobacco products, the
7 ordinance, charter amendment or regulation shall be consistent with the provisions of the Tobacco
8 Products Act,”; and

9 **WHEREAS**, prior to the enactment of SB 433, the counties had their own smoking and
10 tobacco control ordinances, some of which were more stringent than the State laws regulating the
11 sale or use of tobacco products; and

12 **WHEREAS**, one of the top objectives of the federal Office of Disease Prevention and
13 Health Promotion's "Healthy People 2020" campaign is to "eliminate state laws that preempt
14 stronger local tobacco control laws"; and

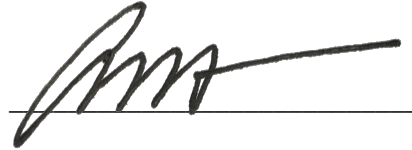
15 **WHEREAS**, the Governing Body of the City of Santa Fe believes that the city should not
16 be prevented from adopting their own tobacco control laws and regulations to address the specific
17 needs of their communities.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that the Legislature of the State of New Mexico is urged to repeal the
20 statutory provisions preempting stricter local regulation of the sale of cigarettes, tobacco products,
21 and electronic smoking devices.

22 **BE IT FURTHER RESOLVED** that copies of this resolution be transmitted to the
23 Governor, the Speaker of the House of Representatives, and the President Pro Temp of the Senate.

24 PASSED, APPROVED, and ADOPTED this 10th day of November, 2020.

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ALAN WEBBER, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY