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HOME RULE - RHODE ISLAND

K&W Automotive, LLC v. Town of Barrington

Supreme Court of Rhode Island - January 31, 2020 - A.3d - 2020 WL 501698

Owners of business licensed to sell tobacco and electronic cigarettes brought action seeking declaratory and injunctive relief to prevent town from enforcing tobacco ordinance that banned sale of flavored tobacco products and prohibiting the providing of any tobacco products to persons under age of 21 years.

The Superior Court granted plaintiffs' request for declaratory and injunctive relief after concluding that ordinance was null and void. Town appealed.

The Supreme Court held that town lacked authority under its home rule charter to enact the tobacco ordinance.

Town's tobacco ordinance, banning sale of flavored tobacco products and prohibiting the providing of any tobacco products to persons under age of 21 years, exceeded its authority under its home rule charter; matter was of statewide concern for which uniform regulation throughout the state was necessary or desirable, tobacco regulation had traditionally fallen within the purview of the state, and ordinance seemed to benefit businesses outside town.

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