

Overview of Electronic Cigarette Regulation in the Utah Code

Title 76, Ch. 10 -- (Criminal) Offenses Against Health, Safety, Welfare, and Morals

- Requires a retailer to sell cigarettes, tobacco, and electronic cigarette products only in a face-to-face sale
- Imposes a criminal penalty for the sale of a cigarette, tobacco, or an electronic cigarette product to an individual less than 19 years old

Title 26, Ch. 42 -- Civil Penalties for Tobacco Sales to Underage Persons

- Establishes the State Dept. of Health and Local Health Departments as the civil enforcing agencies for underage cigarette, tobacco, and electronic cigarette sales
- DOH or a local HD refers violations to the Tax Commission for license suspension (on 3d violation) or revocation (on 4th violation)

LOCAL HEALTH DEPARTMENTS

Some counties require (via county ordinance):

- a license to sell or manufacture an electronic cigarette product
- certain electronic cigarette product quality standards
- electronic cigarette product manufacturing standards

Title 26, Ch. 38 -- Indoor Clean Air Act

- Bans smoking and using e-cigarettes in public places
- Provides civil penalties for violators

Title 59, Ch. 14 -- Cigarette and Tobacco Tax and Licensing Act

- Does not provide for a special tax on electronic cigarette products, but provides for licensing (as of 2015)
- A person may not sell a cigarette or tobacco product (or electronic cigarette product, as of 2015) without a license issued by the Tax Commission
- Provides for a tax on cigarettes, levied per cigarette (8.5 cents/cigarette if ≤ 3 lbs/1000 cigs; 9.963 cents/cigarette if > 3 lbs/1000 cigarettes)
- Provides for a tax on tobacco products as a percentage of the retail sales price (.86 x MSP)
- Provides for a tax on moist snuff by weight (\$1.83/oz)

2015 HB 415 -- Regulation of Electronic Cigarettes

- Requires a license from the State Tax Commission to sell or distribute an electronic cigarette product
- Provides new definitions for electronic cigarette products:
 - **electronic cigarette** includes the device, components, and accessories
 - **electronic cigarette substance** means any substance used or intended for use in an electronic cigarette
 - **electronic cigarette product** is an umbrella term that includes both "electronic cigarette" and "electronic cigarette substance"
- Provides for the State Dept. of Health to regulate labeling, nicotine content, packaging, and product quality standards for an electronic cigarette substance (rules take effect July 1, 2016)
- Local health departments retain the ability to regulate manufacturing by ordinance
- Neither state nor local requirements may apply to a **manufacturer-sealed electronic cigarette substance** (an electronic cigarette substance pre-filled by the substance manufacturer that the manufacturer does not intend for a consumer to open)