26-57-103. Electronic cigarette products -- Labeling -- Manufacturing and quality control standards -- Advertising.

Effective 7/1/2015

(1) The department shall, in consultation with a local health department, as defined in Section 26A-1-102, and with input from members of the public, establish, no later than January 1, 2016, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, standards for electronic cigarette substance:

(a) labeling;

(b) nicotine content;

(c) packaging; and

(d) product quality.

(2) The standards established by the department under Subsection (1) do not apply to a manufacturer sealed electronic cigarette substance.

(3) Beginning on July 1, 2016, a person may not sell an electronic cigarette substance unless the electronic cigarette substance complies with the standards established by the department under Subsection (1).

(4)

(a) Beginning on July 1, 2016, a local health department may not enact a rule or regulation regarding electronic cigarette substance labeling, nicotine content, packaging, or product quality that is not identical to the standards established by the department under Subsection (1).

(b) Except as provided in Subsection (4)(c), a local health department may enact a rule or regulation regarding electronic cigarette substance manufacturing.

(c) A local health department may not enact a rule or regulation regarding a manufacturer sealed electronic cigarette substance.

(5) Beginning on July 1, 2016, a person may not advertise an electronic cigarette product:

(a) as a tobacco cessation device;

(b) if the person is not licensed to sell an electronic cigarette product under Section 59-14-803; or

(c) during a period of time when the person's license to sell an electronic cigarette product under Section 59-14-803 has been suspended or revoked.

Enacted by Chapter 132, 2015 General Session