

TEMPORARY EXEMPTION FOR CERTAIN RESTRICTIONS ON THE USE OF E-CIGARETTES

(Utah Code Section 26-38-2.6, repealed July 2, 2017, pursuant to Section 63I-1-226)

26-38-2.6. Temporary exemption for certain restrictions on the use of e-cigarettes.

- (1) The prohibition against the use of an e-cigarette in a place of public access does not apply if:
 - (a) the use of the e-cigarette occurs in the place of public access that is a retail establishment that sells e-cigarettes and the use is for the purpose of:
 - (i) the retailer of an e-cigarette demonstrating to the purchaser of the e-cigarette how to use the e-cigarette; or
 - (ii) the customer sampling a product sold by the retailer for use in an e-cigarette; and
 - (b) the retailer of e-cigarettes:
 - (i) has all required licenses for the possession and sale of e-cigarettes in a place of business;
 - (ii) does not permit a person under the age of 19 to enter any part of the premises of the retail establishment in which the e-cigarettes are sold; and
 - (iii) the sale of e-cigarettes and substances for use in e-cigarettes constitutes at least 75% of the establishment's gross sales.
- (2) This section does not require a county or municipality to issue a license to a person to sell e-cigarettes.
- (3) This section sunsets in accordance with Section 63I-1-226.



Office of Legislative Research and General Counsel
May 24, 2016