

## **PROPOSED AMENDMENTS TO HB112:**

Line 267:

**76-10-105.1. Requirement of direct, face-to-face sale of tobacco products and electronic cigarettes -- Supremacy clause -- Penalties.**

**Proposed as an additional exception to 76-10-105.1(2) which require face-to-face sales by retailers:**

Insert at Line 306:

**76-10-105.1(3)(d)** Business to business wholesale transactions.

**Purpose:**

The purpose of adding the above is to make it clear that wholesale transactions between business entities are exempted from e-commerce transactions.

Today's wholesale supply chain takes advantage of the efficiencies created by the e-commerce platform to produce cost savings and expand business opportunities. Like businesses in virtually every other industry, those in our industry utilize the Internet to facilitate wholesale sales and reorders between businesses and this should not be restricted.

**Proposed as an additional exception to 76-10-105.1(2) which require face-to-face sales by retailers:**

**76-10-105.1(3)(e)** Sales by a retailer to an individual at least 19 years of age where the age of the recipient is verified to be at least 19 years of age upon delivery by a common carrier.

**Purpose:**

Inclusion of such a provision would clearly satisfy the intent of the proposed bill that is to keep them from the hands of our youth, while not infringing the right of an adult who may choose to use the products. The amendment would eliminate the effect of unfairly handicapping Utah businesses who must compete with more than 2000 other online retailers for survival.

The United States Postal Service (USPS) offers an age verification service (see [http://about.usps.com/news/national-releases/2011/pr11\\_065.pdf](http://about.usps.com/news/national-releases/2011/pr11_065.pdf)).

United Parcel Service (UPS) offers an age verification service (see [http://www.ups.com/content/us/en/shipping/time/service/value\\_added/delivery.html](http://www.ups.com/content/us/en/shipping/time/service/value_added/delivery.html)).

Federal Express (FedEx) also offers an age verification service (see [http://www.fedex.com/us/developer/product/WebServices/MyWebHelp/Services/Options/c\\_DeliverySignatureServices.html](http://www.fedex.com/us/developer/product/WebServices/MyWebHelp/Services/Options/c_DeliverySignatureServices.html)).

Each of these services were developed and offered to facilitate the delivery of age restricted products such as wine-of-the-month clubs. There is not a valid reason why this service should not be available to other age restricted products as an alternative to an outright ban.

The incredibly restrictive zoning laws in Utah limit to tiny areas where an electronic cigarette retail store, or "Vape Store" may locate, practically excluding them from rural Utah because it is difficult to find any such location that is not within 1000 feet of what is zoned agricultural. This amendment would thereby ensure that adults who reside in rural areas of Utah have equal access to the products should they choose a Tobacco Harm Reduction strategy that works for them.