

**Effective 7/1/2015**

**Chapter 57**  
**Electronic Cigarette Regulation Act**

**26-57-101 Title.**

This chapter is known as the "Electronic Cigarette Regulation Act."

Enacted by Chapter 132, 2015 General Session

**26-57-102 Definitions.**

As used in this chapter:

- (1) "Cigarette" means the same as that term is defined in Section 59-14-102.
- (2) "Electronic cigarette" means the same as that term is defined in Section 59-14-802.
- (3) "Electronic cigarette product" means an electronic cigarette or an electronic cigarette substance.
- (4) "Electronic cigarette substance" means the same as that term is defined in Section 59-14-802.
- (5) "Manufacture" includes:
  - (a) to cast, construct, or make electronic cigarettes; or
  - (b) to blend, make, process, or prepare an electronic cigarette substance.
- (6) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette substance that is sold in a container that:
  - (a) is pre-filled by the electronic cigarette substance manufacturer; and
  - (b) the electronic cigarette manufacturer does not intend for a consumer to open.

Enacted by Chapter 132, 2015 General Session

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

- (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