



28 (B) any roll of tobacco wrapped in any substance containing tobacco which, because of  
29 its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be  
30 offered to, or purchased by, consumers as a cigarette described in Subsection (1)(a)(i).

31 (ii) "Cigarette" does not include a standard 60 carton case.

32 (b) "Cigarette tobacco" means any product that consists of loose tobacco that contains or  
33 delivers nicotine and is intended for use by consumers in a cigarette. Unless otherwise stated, the  
34 requirements pertaining to cigarettes shall also apply to cigarette tobacco.

35 (c) "Retailer" means any person who sells cigarettes or smokeless tobacco to individuals  
36 for personal consumption or who operates a facility where vending machines or self-service  
37 displays are permitted under this section.

38 (d) "Self-service display" means any display of cigarettes or smokeless tobacco products  
39 to which the public has access without the intervention of a retail employee.

40 (e) "Smokeless tobacco" means any product that consists of cut, ground, powdered, or leaf  
41 tobacco that contains nicotine and that is intended to be placed in the oral cavity. "Smokeless  
42 tobacco" does not include multi-container packs of smokeless tobacco.

43 (2) (a) Except as provided in Subsection (3), a retailer may sell cigarettes and smokeless  
44 tobacco only in a direct, face-to-face exchange between the retailer and the consumer. Examples  
45 of methods that are not permitted include vending machines and self-service displays.

46 (b) Subsection (2)(a) does not prohibit the use or display of locked cabinets containing  
47 cigarettes or smokeless tobacco if the locked cabinets are only accessible to the retailer or its  
48 employees.

49 (3) The following sales are permitted as exceptions to Subsection (2):

50 (a) mail-order sales, excluding mail-order redemption of coupons and distribution of free  
51 samples through the mail; and

52 (b) vending machines, including vending machines that sell packaged, single cigarettes,  
53 and self-service displays that are located in a separate and defined area within a facility where the  
54 retailer ensures that no person younger than under 19 years of age is present, or permitted to enter,  
55 at any time, unless accompanied by a parent or legal guardian.

56 (4) Any ordinance, regulation, or rule adopted by the governing body of a political  
57 subdivision or state agency that affects the sale, placement, or display of cigarettes or smokeless  
58 tobacco that is not essentially identical to the provisions of this section and Section 76-10-102 is

59 superceded.

60 (5) (a) A parent or legal guardian who accompanies a person younger than 19 years of age  
61 into an area described in Subsection (3)(b) and permits the person younger than 19 years of age  
62 to purchase or otherwise take a cigar, cigarette, or tobacco in any form is guilty of [furnishing]  
63 providing tobacco as provided for in Section 76-10-104 and the penalties provided for in that  
64 section.

65 (b) Nothing in this section may be construed as permitting a person to provide tobacco to  
66 a minor in violation of Section 76-10-104.

67 (6) Violation of Subsection (2) or (3) is a:

68 (a) class C misdemeanor on the first offense;

69 (b) class B misdemeanor on the second offense; and

70 (c) class A misdemeanor on the third and all subsequent offenses.

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**Legislative Review Note**

**as of 1-21-00 2:41 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**