



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 2, 2012

Madam Speaker:

The Political Subdivisions Committee recommends **H.B. 95**, RETAIL SALE OF TOBACCO PRODUCTS, by Representative P. Ray, be replaced and reports a favorable recommendation on **1st Sub. H.B. 95**, RETAIL SALE OF TOBACCO PRODUCTS with the following amendments:

1. *Page 1, Lines 20 through 21:*

20           {→ ~~requires a criminal background check for the owner of a retail tobacco~~  
                  ~~specialty~~  
21 ~~business;~~}

2. *Page 4, Lines 88 through 95:*

88           {~~(c) (i) A municipality shall require a criminal background check for an~~  
                  ~~owner of a retail~~  
89 ~~tobacco specialty business.~~  
90     ~~(ii) A municipality may not issue a retail tobacco specialty business license to a~~  
                  ~~person~~  
91 ~~who has been convicted of:~~  
92     ~~(A) a felony within the last five years;~~  
93     ~~(B) a class A misdemeanor within the last five years; or~~  
94     ~~(C) a class B misdemeanor within the last three years, related to the sale of a~~  
                  ~~tobacco~~  
95 ~~product.~~}

3. *Page 4, Lines 99 through 100:*

99           (ii) prohibits a municipality from adopting { ~~additional restrictions~~ } more  
                  restrictive requirements on a tobacco specialty  
100 business than provided for in this section .

Bill Number



HB0095S01

Action Class



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4. Page 6, Lines 153 through 155:

153 {~~municipality~~} county shall require an entity to be licensed as a retail tobacco  
specialty business to  
154 conduct business as a retail tobacco specialty business in a  
{~~municipality~~} county .  
155 (b) A {~~municipality~~} county may issue a retail tobacco specialty business  
license to an entity if

5. Page 6, Lines 158 through 160:

158 that conducts a retail tobacco specialty business in a {~~municipality~~} county shall  
be licensed by the  
159 {~~municipality~~} county as a retail tobacco specialty business.  
160 (5) (a) A {~~municipality~~} county may not issue a license to a retail tobacco  
specialty business if it

6. Page 6, Lines 171 through 178:

171 ~~{(c) (i) A municipality shall require a criminal background check for an  
172 owner of a retail  
173 tobacco specialty business.  
174 (ii) A municipality may not issue a retail tobacco specialty business license to a  
175 person  
176 who has been convicted of:  
177 (A) a felony within the last five years;  
178 (B) a class A misdemeanor within the last five years; or  
179 (C) a class B misdemeanor within the last three years, related to the sale of a  
180 tobacco  
181 product.}~~

7. Page 6, Line 180:

180 (i) requires a {~~municipality~~} county to issue a business license to a retail  
tobacco specialty

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HB0095S01

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8. *Page 7, Lines 182 through 184:*

182 (ii) prohibits a {~~municipality~~} county from adopting {~~additional~~  
restrictions} more restrictive requirements on a tobacco specialty

183 business than provided for in this section .

184 (b) A {~~municipality~~} county may revoke a business license issued under  
this section:

9. *Page 7, Line 192:*

192 a business license and is operating lawfully in a {~~municipality~~} county on or  
before May 8, 2012, is

Respectfully,

R. Curt Webb  
Committee Chair

Voting: 7-4-1

7 HB0095.HC1.WPD 2/2/12 4:20 pm /JTW CJD/MDA

Bill Number



HB0095S01

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