

**REGULATION OF ELECTRONIC CIGARETTES**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Utah Health Code and the Utah Criminal Code to modify and add provisions related to electronic cigarettes.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person from selling or manufacturing electronic cigarettes or electronic cigarette substances without a license from the Department of Health;

- ▶ prohibits a person from selling or manufacturing electronic cigarettes or electronic cigarette substances that contain nicotine that is not pharmaceutical-grade nicotine;

- ▶ prohibits a person from advertising that electronic cigarettes or electronic cigarette substances help an individual stop using tobacco or a product containing tobacco;

- ▶ directs the Department of Health to issue licenses to manufacture or sell electronic cigarettes under certain conditions;

- ▶ provides that the Department of Health can revoke a person's license to sell electronic cigarettes if the person sells an electronic cigarette or an electronic cigarette substance to an individual who is less than 19 years of age;

- ▶ prohibits a business owner from allowing a minor to use an electronic cigarette in the business;

- ▶ prohibits an individual who is less than 19 years of age from buying, attempting to buy, or possessing an electronic cigarette product; and



28           ▶ makes technical and conforming amendments.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35           **26-42-102**, as enacted by Laws of Utah 1998, Chapter 319
- 36           **26-42-103**, as last amended by Laws of Utah 2011, Chapter 96
- 37           **76-10-101**, as last amended by Laws of Utah 2010, Chapter 114
- 38           **76-10-103**, as enacted by Laws of Utah 1973, Chapter 196
- 39           **76-10-104**, as last amended by Laws of Utah 2010, Chapter 114
- 40           **76-10-105**, as last amended by Laws of Utah 2010, Chapter 114
- 41           **76-10-105.1**, as last amended by Laws of Utah 2010, Chapter 114
- 42           **76-10-111**, as last amended by Laws of Utah 2010, Chapter 114
- 43           **77-39-101**, as last amended by Laws of Utah 2010, Chapters 114 and 276

44 ENACTS:

- 45           **26-55-101**, Utah Code Annotated 1953
- 46           **26-55-102**, Utah Code Annotated 1953
- 47           **26-55-103**, Utah Code Annotated 1953
- 48           **26-55-104**, Utah Code Annotated 1953



50 *Be it enacted by the Legislature of the state of Utah:*

51           Section 1. Section **26-42-102** is amended to read:

52           **26-42-102. Definitions.**

53           As used in this chapter:

- 54           (1) "Commission" means the Utah State Tax Commission.
- 55           (2) "Electronic cigarette product" is as defined in Section [26-55-102](#).
- 56           ~~(3)~~ (3) "Employee" means an employee of a licensee.
- 57           ~~(4)~~ (4) "Enforcing agency" means the state Department of Health, or any local health
- 58           department enforcing the provisions of this chapter.

59 (5) "License" ~~[to sell tobacco" or "license"]~~ means a license issued under:

60 (a) ~~[under]~~ Section [59-14-201](#) to sell cigarettes at retail; ~~[or]~~

61 (b) ~~[under]~~ Section [59-14-301](#) to sell tobacco products at retail~~[-];~~ or

62 (c) Section [26-55-103](#) to sell electronic cigarette products.

63 ~~[(4)]~~ (6) "Licensee" means a person licensed under:

64 (a) ~~[under]~~ Section [59-14-201](#) to sell cigarettes at retail; ~~[or]~~

65 (b) ~~[under]~~ Section [59-14-301](#) to sell tobacco products at retail~~[-];~~ or

66 (c) Section [26-55-104](#) to sell electronic cigarette products.

67 (7) "Licensing agency" means:

68 (a) for a license to sell cigarettes at retail under Section [59-14-201](#) or a license to sell

69 tobacco products at retail under Section [59-14-301](#), the commission; or

70 (b) for a license to sell electronic cigarette products under Section [26-55-104](#), the

71 department.

72 ~~[(6)]~~ (8) "Tobacco" means cigarettes or tobacco products as defined in Section

73 [59-14-102](#).

74 Section 2. Section **26-42-103** is amended to read:

75 **26-42-103. Violations and penalties -- Imposition by enforcing agency and tax**  
76 **commission.**

77 (1) If, following an investigation or issuance of a citation or information under Section  
78 [77-39-101](#), an enforcing agency determines under Section [26-42-104](#) that a licensee or any  
79 employee has sold tobacco or an electronic cigarette product to a person younger than 19 years  
80 of age, as prohibited by Section [76-10-104](#), the enforcing agency may impose upon the licensee  
81 the following administrative penalties:

82 (a) upon the first violation, a penalty of not more than \$300;

83 (b) upon a second violation at the same retail location, and within 12 months of the  
84 first violation, a penalty of not more than \$750; and

85 (c) upon a third or subsequent violation at the same retail location and within 12  
86 months of the first violation, a penalty of not more than \$1,000.

87 (2) The enforcing agency shall notify the ~~[commission]~~ licensing agency in writing of  
88 any order or order of default finding a violation of Subsection (1) which is a third or fourth  
89 violation.

90 (3) The ~~[commission]~~ licensing agency, upon receipt of the written notification under  
91 Subsection (2), shall take action under Section 59-14-203.5 ~~[or]~~, 59-14-301.5, or 26-55-104  
92 against the license ~~[to sell tobacco]~~:

93 (a) by suspending the licensee's license ~~[to sell tobacco]~~ at that location for not more  
94 than 30 days, upon receipt of notification of a third violation under Subsection (1)(c); and

95 (b) by revoking the license ~~[to sell tobacco]~~ at that location held by the licensee,  
96 including any license under suspension, upon receipt of notification of a fourth violation under  
97 Subsection (1)(c).

98 (4) When the ~~[commission]~~ licensing agency revokes a license under Subsection (3)(b),  
99 the ~~[commission]~~ licensing agency may not issue to the licensee, or to the business entity using  
100 the license that is revoked, a license under Section 59-14-202 ~~[or]~~, 59-14-301 ~~[to sell tobacco]~~,  
101 or 26-55-105 at the location for which the license was issued for one year after:

102 (a) the day on which the time for filing an appeal of the revocation ends; or

103 (b) if the revocation is appealed, the day on which the decision to uphold the  
104 revocation becomes final.

105 (5) This section does not prevent any bona fide purchaser of the business, who is not a  
106 sole proprietor, director, corporate officer, or partner or other holder of significant interest in  
107 the entity selling the business, from immediately applying for and obtaining a license to sell  
108 tobacco.

109 Section 3. Section **26-55-101** is enacted to read:

110 **CHAPTER 55. ELECTRONIC CIGARETTE REGULATION ACT**

111 **26-55-101. Title.**

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

113 Section 4. Section **26-55-102** is enacted to read:

114 **26-55-102. Definitions.**

115 As used in this chapter:

116 (1) "Cigarette" is as defined in Section 59-14-102.

117 (2) "Electronic cigarette" means:

118 (a) any device, other than a cigar, cigarette, pipe, hookah, or other heated or lighted  
119 tobacco product, used to or intended to deliver vapor containing nicotine to an individual's  
120 respiratory system; or

121 (b) any component of or accessory intended for use with the device described in  
122 Subsection (2)(a).

123 (3) "Electronic cigarette product" means an electronic cigarette or an electronic  
124 cigarette substance.

125 (4) "Electronic cigarette substance" means any substance, including liquid containing  
126 nicotine, used or intended for use in an electronic cigarette.

127 (5) "Licensee" means a person licensed under Subsection [26-55-104\(1\)](#) or [\(2\)](#).

128 (6) "License to manufacture electronic cigarette products" means a license issued by  
129 the department under Subsection [26-55-104\(1\)](#).

130 (7) "License to sell electronic cigarette products" means a license issued by the  
131 department under Subsection [26-55-104\(2\)](#).

132 (8) "Manufacture" includes:

133 (a) to cast, construct, or make electronic cigarettes; or

134 (b) to blend, make, process, or prepare an electronic cigarette substance.

135 (9) "Pharmaceutical-grade nicotine" means nicotine that meets the specifications of the  
136 United States Pharmacopeia.

137 Section 5. Section **26-55-103** is enacted to read:

138 **26-55-103. Electronic cigarettes -- Prohibition on sale or manufacturing without a**  
139 **license -- Low-grade nicotine -- Advertising.**

140 (1) A person may not:

141 (a) manufacture an electronic cigarette product in Utah without first obtaining a license  
142 to manufacture electronic cigarette products from the Department of Health under Section  
143 [26-55-104](#); or

144 (b) sell, offer to sell, or distribute an electronic cigarette product in Utah without first  
145 obtaining a license to sell electronic cigarette products from the Department of Health as under  
146 Section [26-52-104](#).

147 (2) A person may not sell, offer to sell, distribute, or manufacture an electronic  
148 cigarette product in Utah that contains nicotine that is not pharmaceutical-grade nicotine.

149 (3) A person may not advertise that an electronic cigarette product helps an individual  
150 stop using tobacco or a product containing tobacco.

151 Section 6. Section **26-55-104** is enacted to read:

152 26-55-104. Electronic cigarette licenses -- Manufacture and sale.

153 (1) The department shall issue a license to manufacture electronic cigarette products to  
154 a person who:

155 (a) submits an application, on a form created by the department, that includes:

156 (i) the person's name;

157 (ii) the address of the facility where the person will manufacture electronic cigarette  
158 products; and

159 (iii) any other information the department requires to implement this chapter; and

160 (b) pays a fee in an amount established by the department under Subsection (6).

161 (2) The department shall issue a license to sell electronic cigarette products to a person  
162 who:

163 (a) submits an application, on a form created by the department, that includes:

164 (i) the person's name;

165 (ii) the address of the facility where the person will sell electronic cigarette products;

166 and

167 (iii) any other information the department requires to implement this chapter; and

168 (b) pays a fee in an amount established by the department under Subsection (6) or  
169 submits proof that the person is licensed under Section [59-14-202](#).

170 (3) A license described in Subsection (1) or (2) is:

171 (a) valid only at one business address;

172 (b) valid for three years; and

173 (c) renewable if a licensee meets the criteria for licensing under Subsection (1) or (2).

174 (4) The department may, after notifying a licensee and holding a hearing, revoke a  
175 license described in Subsection (1) or (2) if the licensee:

176 (a) violates the provisions of this chapter; or

177 (b) violates Section [26-42-103](#).

178 (5) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
179 Administrative Rulemaking Act, to establish:

180 (a) the form of the applications described in Subsections (1)(a) and (2)(a);

181 (b) the information a person must provide in the applications described in Subsections  
182 (1)(a) and (2)(a); and

183 (c) operating standards for a person licensed under Subsection (1) and for a person  
184 licensed under Subsection (2).

185 (6) The department shall, in accordance with Section 63J-1-504, establish the amount  
186 of the fees described in Subsections (1)(b) and (2)(b).

187 (7) The department shall maintain a list of all licensees.

188 Section 7. Section 76-10-101 is amended to read:

189 **76-10-101. Definitions.**

190 As used in this part:

191 (1) "Cigar" means a product that contains nicotine, is intended to be burned under  
192 ordinary conditions of use, and consists of any roll of tobacco wrapped in leaf tobacco, or in  
193 any substance containing tobacco, other than any roll of tobacco that is a cigarette as described  
194 in Subsection (2).

195 (2) "Cigarette" means a product that contains nicotine, is intended to be burned under  
196 ordinary conditions of use, and consists of:

197 (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

198 (b) any roll of tobacco wrapped in any substance containing tobacco which, because of  
199 its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to  
200 be offered to, or purchased by, consumers as a cigarette described in Subsection (2)(a).

201 (3) "Electronic cigarette product" [~~means any device, other than a cigarette or cigar,~~  
202 ~~intended to deliver vapor containing nicotine into a person's respiratory system~~] is as defined in  
203 Section 26-55-101.

204 (4) "Place of business" includes:

205 (a) a shop;

206 (b) a store;

207 (c) a factory;

208 (d) a public garage;

209 (e) an office;

210 (f) a theater;

211 (g) a recreation hall;

212 (h) a dance hall;

213 (i) a poolroom;

- 214 (j) a café;
- 215 (k) a cafeteria;
- 216 (l) a cabaret;
- 217 (m) a restaurant;
- 218 (n) a hotel;
- 219 (o) a lodging house;
- 220 (p) a streetcar;
- 221 (q) a bus;
- 222 (r) an interurban or railway passenger coach;
- 223 (s) a waiting room; and
- 224 (t) any other place of business.

225 (5) "Smoking" means the possession of any lighted cigar, cigarette, pipe, or other  
226 lighted smoking equipment.

227 Section 8. Section **76-10-103** is amended to read:

228 **76-10-103. Permitting minors to use tobacco or an electronic cigarette product in**  
229 **place of business.**

230 It is a class C misdemeanor for the proprietor of any place of business to knowingly  
231 permit ~~[persons under age 19 to frequent a place of business while they are using tobacco]~~ an  
232 individual who is less than 19 years of age to smoke or use an electronic cigarette in the place  
233 of business.

234 Section 9. Section **76-10-104** is amended to read:

235 **76-10-104. Providing a cigar, cigarette, electronic cigarette, or tobacco to a minor**  
236 **-- Penalties.**

237 (1) Any person who knowingly, intentionally, recklessly, or with criminal negligence  
238 provides any cigar, cigarette, electronic cigarette product, or tobacco in any form, to any person  
239 under 19 years of age, is guilty of a class C misdemeanor on the first offense, a class B  
240 misdemeanor on the second offense, and a class A misdemeanor on subsequent offenses.

241 (2) For purposes of this section "provides":

- 242 (a) includes selling, giving, furnishing, sending, or causing to be sent; and
- 243 (b) does not include the acts of the United States Postal Service or other common  
244 carrier when engaged in the business of transporting and delivering packages for others or the



245 acts of a person, whether compensated or not, who transports or delivers a package for another  
246 person without any reason to know of the package's content.

247 Section 10. Section **76-10-105** is amended to read:

248 **76-10-105. Buying or possessing a cigar, cigarette, electronic cigarette, or tobacco**  
249 **by a minor -- Penalty -- Compliance officer authority -- Juvenile court jurisdiction.**

250 (1) Any [~~18-year-old person~~] individual who is 18 years of age who buys or attempts to  
251 buy, accepts, or has in the [~~person's~~] individual's possession any cigar, cigarette, electronic  
252 cigarette product, or tobacco in any form is guilty of a class C misdemeanor and subject to:

253 (a) a minimum fine or penalty of \$60; and

254 (b) participation in a court-approved tobacco education program, which may include a  
255 participation fee.

256 (2) Any [~~person under the age of 18~~] individual who is less than 18 years of age who  
257 buys or attempts to buy, accepts, or has in the [~~person's~~] individual's possession any cigar,  
258 cigarette, electronic cigarette product, or tobacco in any form is subject to the jurisdiction of  
259 the Juvenile Court and:

260 (a) a minimum fine or penalty of \$60; and

261 (b) participation in a court-approved tobacco education program, which may include a  
262 participation fee.

263 (3) A compliance officer appointed by a board of education under Section [53A-3-402](#)  
264 may issue citations for violations of this section committed on school property. Cited  
265 violations shall be reported to the appropriate juvenile court.

266 Section 11. Section **76-10-105.1** is amended to read:

267 **76-10-105.1. Requirement of direct, face-to-face sale of tobacco products and**  
268 **electronic cigarettes -- Supremacy clause -- Penalties.**

269 (1) As used in this section:

270 (a) "Cigarette tobacco" means a product that consists of loose tobacco that contains or  
271 delivers nicotine and is intended for use by a consumer in a cigarette.

272 (b) "Pipe tobacco" means a product that consists of loose tobacco that contains or  
273 delivers nicotine and is intended to be smoked by a consumer in a pipe.

274 (c) "Retailer" means a person who sells cigarettes, electronic cigarettes, cigars,  
275 cigarette tobacco, pipe tobacco, or smokeless tobacco to individuals for personal consumption

276 or who operates a facility where a vending machine or a self-service display is permitted under  
277 Subsection (3)(b).

278 (d) "Self-service display" means a display of cigarettes, electronic cigarettes, cigars,  
279 cigarette tobacco, pipe tobacco, or smokeless tobacco products to which the public has access  
280 without the intervention of a retail employee.

281 (e) "Smokeless tobacco" means a product that consists of cut, ground, powdered, or  
282 leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity.

283 (2) (a) Except as provided in Subsection (3), a retailer may sell cigarettes, electronic  
284 [~~cigarettes~~] cigarette products, cigars, cigarette tobacco, pipe tobacco, and smokeless tobacco  
285 only in a direct, face-to-face exchange between:

286 (i) an employee of the retailer; and

287 (ii) the purchaser.

288 (b) Examples of methods that are not permitted include vending machines and  
289 self-service displays.

290 (c) Subsections (2)(a) and (b) do not prohibit the use or display of locked cabinets  
291 containing cigarettes, electronic [~~cigarettes~~] cigarette products, cigars, cigarette tobacco, pipe  
292 tobacco, or smokeless tobacco if the locked cabinets are accessible only to the retailer or the  
293 retailer's employees.

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

295 (a) mail-order sales of cigarettes, cigars, cigarette tobacco, pipe tobacco, and smokeless  
296 tobacco, if the provisions of Section [59-14-509](#) are met;

297 (b) sales from vending machines, including vending machines that sell packaged,  
298 single cigarettes or cigars, and self-service displays that are located in a separate and defined  
299 area within a facility where the retailer ensures that no person younger than 19 years of age is  
300 present, or permitted to enter, at any time, unless accompanied by a parent or legal guardian;  
301 and

302 (c) sales by a retailer from a retail store which derives at least 80% of its revenue from  
303 tobacco, [~~and~~] tobacco related products, and electronic cigarette products, and where the  
304 retailer ensures that no person younger than 19 years of age is present, or permitted to enter at  
305 any time, unless accompanied by a parent or legal guardian.

306 (4) Any ordinance, regulation, or rule adopted by the governing body of a political

307 subdivision of the state or by a state agency that affects the sale, placement, or display of  
308 cigarettes, [~~electronic cigarettes~~], cigars, cigarette tobacco, pipe tobacco, or smokeless tobacco  
309 that is not essentially identical to the provisions of this section and Section 76-10-102 is  
310 superseded.

311 (5) (a) A parent or legal guardian who accompanies a person younger than 19 years of  
312 age into an area described in Subsection (3)(b) or into a retail store as described in Subsection  
313 (3)(c) and permits the person younger than 19 years of age to purchase or otherwise take a  
314 cigar, cigarette, electronic cigarette product, or tobacco in any form is guilty of providing  
315 tobacco as provided for in Section 76-10-104 and the penalties provided for in that section.

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

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

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

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

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

322 Section 12. Section 76-10-111 is amended to read:

323 **76-10-111. Prohibition of gift or free distribution of smokeless tobacco or**  
324 **electronic cigarette products -- Exceptions.**

325 (1) The Legislature finds that:

326 (a) smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who  
327 use those products because research indicates that they may cause mouth or oral cancers;

328 (b) the use of smokeless tobacco among juveniles in this state is increasing rapidly;

329 (c) the use of electronic [~~cigarettes~~] cigarette products may lead to unhealthy behavior  
330 such as the use of tobacco products; and

331 (d) it is necessary to restrict the gift of the products described in this Subsection (1) in  
332 the interest of the health of the citizens of this state.

333 (2) Except as provided in Subsection (3), it is unlawful for a manufacturer, wholesaler,  
334 and retailer to give or distribute without charge any smokeless tobacco, chewing tobacco, or  
335 electronic cigarette product in this state. Any person who violates this section is guilty of a  
336 class C misdemeanor for the first offense, and is guilty of a class B misdemeanor for any  
337 subsequent offense.

338 (3) (a) Smokeless tobacco, chewing tobacco, or an electronic cigarette product may be  
339 distributed to adults without charge at professional conventions where the general public is  
340 excluded.

341 (b) Subsection (2) does not apply to a retailer, manufacturer, or distributor who gives  
342 smokeless tobacco, chewing tobacco, or an electronic cigarette product to a person of legal age  
343 upon the person's purchase of another tobacco product or electronic cigarette product.

344 Section 13. Section ~~77-39-101~~ is amended to read:

345 **77-39-101. Investigation of sales of alcohol, tobacco, and electronic cigarettes to**  
346 **underage persons.**

347 (1) As used in this section, "electronic cigarette product" is as defined in Section  
348 [~~76-10-101~~] 26-55-102.

349 (2) (a) A peace officer, as defined by Title 53, Chapter 13, Peace Officer  
350 Classifications, may investigate the possible violation of:

351 (i) Section ~~32B-4-403~~ by requesting an individual under the age of 21 years to enter  
352 into and attempt to purchase or make a purchase of alcohol from a retail establishment; or

353 (ii) Section ~~76-10-104~~ by requesting an individual under the age of 19 years to enter  
354 into and attempt to purchase or make a purchase from a retail establishment of:

355 (A) a cigar;

356 (B) a cigarette;

357 (C) tobacco in any form; or

358 (D) an electronic cigarette product.

359 (b) A peace officer who is present at the site of a proposed purchase shall direct,  
360 supervise, and monitor the individual requested to make the purchase.

361 (c) Immediately following a purchase or attempted purchase or as soon as practical the  
362 supervising peace officer shall inform the cashier and the proprietor or manager of the retail  
363 establishment that the attempted purchaser was under the legal age to purchase:

364 (i) alcohol; or

365 (ii) (A) a cigar;

366 (B) a cigarette;

367 (C) tobacco in any form; or

368 (D) an electronic cigarette product.

369 (d) If a citation or information is issued, it shall be issued within seven days of the  
370 purchase.

371 (3) (a) If an individual under the age of 18 years old is requested to attempt a purchase,  
372 a written consent of that individual's parent or guardian shall be obtained prior to that  
373 individual participating in any attempted purchase.

374 (b) An individual requested by the peace officer to attempt a purchase may:

375 (i) be a trained volunteer; or

376 (ii) receive payment, but may not be paid based on the number of successful purchases  
377 of alcohol, tobacco, or an electronic cigarette product.

378 (4) The individual requested by the peace officer to attempt a purchase and anyone  
379 accompanying the individual attempting a purchase may not during the attempted purchase  
380 misrepresent the age of the individual by false or misleading identification documentation in  
381 attempting the purchase.

382 (5) An individual requested to attempt to purchase or make a purchase pursuant to this  
383 section is immune from prosecution, suit, or civil liability for the purchase of, attempted  
384 purchase of, or possession of alcohol, a cigar, a cigarette, tobacco in any form, or an electronic  
385 cigarette product if a peace officer directs, supervises, and monitors the individual.

386 (6) (a) Except as provided in Subsection (6)(b), a purchase attempted under this section  
387 shall be conducted:

388 (i) on a random basis; and

389 (ii) within a 12-month period at any one retail establishment location not more often  
390 than:

391 (A) four times for the attempted purchase of:

392 (I) a cigar;

393 (II) a cigarette;

394 (III) tobacco in any form; or

395 (IV) an electronic cigarette product; and

396 (B) four times for the attempted purchase of alcohol.

397 (b) Nothing in this section shall prohibit an investigation under this section if:

398 (i) there is reasonable suspicion to believe the retail establishment has sold alcohol, a  
399 cigar, a cigarette, tobacco in any form, or an electronic cigarette product to an individual under

400 the age established by Section 32B-4-403 or 76-10-104; and

401 (ii) the supervising peace officer makes a written record of the grounds for the  
402 reasonable suspicion.

403 (7) (a) The peace officer exercising direction, supervision, and monitoring of the  
404 attempted purchase shall make a report of the attempted purchase, whether or not a purchase  
405 was made.

406 (b) The report required by this Subsection (7) shall include:

407 (i) the name of the supervising peace officer;

408 (ii) the name of the individual attempting the purchase;

409 (iii) a photograph of the individual attempting the purchase showing how that  
410 individual appeared at the time of the attempted purchase;

411 (iv) the name and description of the cashier or proprietor from whom the individual  
412 attempted the purchase;

413 (v) the name and address of the retail establishment; and

414 (vi) the date and time of the attempted purchase.

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**Legislative Review Note**  
**as of 2-5-14 5:26 PM**

**Office of Legislative Research and General Counsel**