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=	CHANGES TO TOBACCO RETAIL PERMIT
,	2019 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Marc K. Roberts
	Senate Sponsor: Jacob L. Anderegg
	LONG TITLE
	General Description:
	This bill amends provisions relating to a tobacco retail permit.
	Highlighted Provisions:
	This bill:
	► makes amendments regarding the community location grandfathering exception for
	a retail tobacco specialty business.
	Money Appropriated in this Bill:
	None
	Other Special Clauses:
	None
	Utah Code Sections Affected:
	AMENDS:
	26-62-202 , as enacted by Laws of Utah 2018, Chapter 231
	Be it enacted by the Legislature of the state of Utah:
	Section 1. Section 26-62-202 is amended to read:
	26-62-202. Permit application.
	(1) A local health department shall issue a permit under this chapter for a tobacco
	retailer if the local health department determines that the applicant:
	(a) accurately provided all information required under Subsection (3) and, if applicable,
	Subsection (4); and
	(b) meets all requirements for a permit under this chapter.

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30	(2) An applicant for a permit shall:
31	(a) submit an application described in Subsection (3) to the local health department
32	with jurisdiction over the area where the tobacco retailer is located; and
33	(b) pay all applicable fees described in Section 26-62-203.
34	(3) The application for a permit shall include:
35	(a) the name, address, and telephone number of each proprietor;
36	(b) the name and mailing address of each proprietor authorized to receive
37	permit-related communication and notices;
38	(c) the business name, address, and telephone number of the single, fixed location for
39	which a permit is sought;
40	(d) evidence that the location for which a permit is sought has a valid tax commission
41	license;
4 2	(e) information regarding whether, in the past 24 months, any proprietor of the tobacco
43	retailer has been determined to have violated, or has been a proprietor at a location that has
14	been determined to have violated:
45	(i) a provision of this chapter;
46	(ii) Chapter 38, Utah Indoor Clean Air Act;
1 7	(iii) Title 76, Chapter 10, Part 1, Cigarettes and Tobacco and Psychotoxic Chemical
48	Solvents;
1 9	(iv) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;
50	(v) regulations restricting the sale and distribution of cigarettes and smokeless tobacco
51	issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or
52	(vi) any other provision of state law or local ordinance regarding the sale, marketing, or
53	distribution of tobacco products; and
54	(f) the dates of all violations disclosed under this Subsection (3).
55	(4) (a) In addition to the information described in Subsection (3), an applicant for a
56	retail tobacco specialty business permit shall include evidence showing whether the business is
57	located within:

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(i) 1,000 feet of a community location;

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- 59 (ii) 600 feet of another retail tobacco specialty business; or
- 60 (iii) 600 feet of property used or zoned for agricultural or residential use.
 - (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of a location described in Subsections (4)(a)(i) through (iii), without regard to intervening structures or zoning districts.
 - (5) The department or a local health department may not deny a permit to a retail tobacco specialty business under Subsection (4) if the [person] retail tobacco specialty business obtained a license to operate the retail tobacco specialty business before December 31, 2015, from:
 - (a) a municipality under Section 10-8-41.6; or
- 70 (b) a county under Section 17-50-333.
- 71 (6) (a) The department shall establish by rule made in accordance with Title 63G,
- 72 Chapter 3, Utah Administrative Rulemaking Act, a permit process for local health departments 73 in accordance with this chapter.
- 74 (b) The permit process established by the department under Subsection (6)(a) may not 75 require any information in an application that is not required by this section.