



- 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;
- 42           (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
- 44 been determined to have violated:
- 45           (i) a provision of this chapter;
- 46           (ii) Chapter 38, Utah Indoor Clean Air Act;
- 47           (iii) Title 76, Chapter 10, Part 1, Cigarettes and Tobacco and Psychotoxic Chemical
- 48 Solvents;
- 49           (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:

- 58 (i) 1,000 feet of a community location;
- 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.
- 61 (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in
- 62 a straight line from the nearest entrance of the retail tobacco specialty business to the nearest
- 63 property boundary of a location described in Subsections (4)(a)(i) through (iii), without regard
- 64 to intervening structures or zoning districts.
- 65 (5) The department or a local health department may not deny a permit to a retail
- 66 tobacco specialty business under Subsection (4) if the ~~[person]~~ retail tobacco specialty business
- 67 obtained a license to operate the retail tobacco specialty business before December 31, 2015,
- 68 from:
- 69 (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.