

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,



28 Subsection (4); and

29 (b) meets all requirements for a permit under this chapter.

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.