

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Nicotine Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jen Plumb
House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill amends provisions related to products that contain nicotine.

Highlighted Provisions:

This bill:

- repeals provisions related to local health department inspections of electronic cigarette retailers;
- amends provisions related to fees to be collected by the State Tax Commission for the sale of tobacco products, nicotine products, and electronic cigarette products;
- directs that certain fee money be used to dispose of confiscated electronic cigarette products and additional enforcement;
- amends provisions related to fines and license suspensions for selling products not listed on the electronic cigarette product registry; and
- amends criminal penalties related to the sale of a product containing nicotine.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 26A-1-131 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 470
- 59-14-201 (Effective 01/01/27)**, as last amended by Laws of Utah 2018, Chapter 231
- 59-14-202 (Effective 01/01/27)**, as last amended by Laws of Utah 2004, Chapter 217
- 59-14-203 (Effective 01/01/27)**, as last amended by Laws of Utah 2004, Chapter 217
- 59-14-301 (Effective 01/01/27)**, as last amended by Laws of Utah 2011, Chapter 96

28 **59-14-803 (Effective 01/01/27)**, as last amended by Laws of Utah 2020, Chapter 347
 29 **59-14-810 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 173
 30 **76-9-1116 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
 31 Chapter 173

32 ENACTS:

33 **53-1-123 (Effective 01/01/27)**, Utah Code Annotated 1953

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

36 Section 1. Section **26A-1-131** is amended to read:

37 **26A-1-131 (Effective 05/06/26). Electronic cigarette registry enforcement.**

38 ~~[(1)(a) A local health department may examine the books, papers, and records of a~~
 39 ~~retailer in this state, for the purpose of determining compliance with Section~~
 40 ~~59-14-810.]~~

41 ~~[(b) A local health department may make the inspections and examinations at any time~~
 42 ~~during ordinary business hours, and may inspect the premises and all desks, safes,~~
 43 ~~vaults, and other fixtures and furniture contained in or upon the premises for the~~
 44 ~~purpose of ascertaining whether an electronic cigarette product is held or possessed~~
 45 ~~in violation of Section 59-14-810.]~~

46 ~~[(e) Unannounced follow-up examinations of all retailers are required within 30 days~~
 47 ~~after any violation of Section 59-14-810.]~~

48 ~~[(d)]~~ (1)(a) A local health department may conduct regular inspections of a business that
 49 sells an electronic cigarette product as that term is defined in Section 76-10-101, in
 50 accordance with the provisions of Section 26B-7-516.

51 (b) A local health department shall publish the results of all [examinations] inspections at
 52 least annually and shall make the results available to the public on request.

53 ~~[(e)]~~ (c) Any electronic cigarette product offered for sale in violation of Section
 54 59-14-810 is declared to be a contraband good and shall be immediately embargoed
 55 by a local health department.

56 ~~[(f)]~~ (d) An electronic cigarette product described in Subsection [(+)(e)] (1)(c) may be
 57 embargoed [without a warrant] by:

58 (i) a local health department; or

59 (ii) a law enforcement agency of this state if directed by a local health department
 60 with jurisdiction over where the product is found.

61 ~~[(g)]~~ (e) The cost of embargoing shall be borne by the retailer.

62 ~~[(h)]~~ (f) In an action brought under this section, a local health department may recover
 63 reasonable expenses incurred in investigating and preparing the case and attorney
 64 fees.

65 ~~[(i)]~~ (g) A retailer shall remove any embargoed electronic cigarette product from the
 66 retailer's active inventory and work with the wholesaler or distributor to return or
 67 dispose the electronic cigarette product.

68 (2)(a) A local health department shall disclose to the attorney general any information
 69 received under this section which is requested by the attorney general for purposes of
 70 determining compliance with and enforcing the provisions of this section or Section
 71 59-14-810.

72 (b) A local health department and the attorney general shall share with each other
 73 information received under this section and Section 59-14-810 or corresponding laws
 74 of other states.

75 (c) A local health department shall provide any necessary information to the State Tax
 76 Commission regarding violations of Section 59-14-810.

77 ~~[(3) A monetary penalty assessed to a retailer by a local health department under this
 78 section shall be doubled if the retailer fails to provide documentation establishing a clear
 79 chain of custody back to the manufacturer.]~~

80 Section 2. Section **53-1-123** is enacted to read:

81 **53-1-123 (Effective 01/01/27). Nicotine Disposal and Enforcement Restricted**
 82 **Account.**

83 (1) There is created within the General Fund a restricted account known as the "Nicotine
 84 Disposal and Enforcement Restricted Account."

85 (2) The Nicotine Disposal and Enforcement Restricted Account consists of:

86 (a) revenue allocated and collected from a license fee imposed under Sections 59-14-201,
 87 59-14-301, and 59-14-803; and

88 (b) appropriations from the Legislature.

89 (3) For each fiscal year and subject to appropriation by the Legislature, the Division of
 90 Finance shall distribute from the funds deposited under Subsection (2)(a) into the
 91 Nicotine Disposal and Enforcement Restricted Account to the department for:

92 (a) the disposal of confiscated electronic cigarette products; and

93 (b) additional law enforcement officers to disrupt organizations and networks that
 94 provide tobacco products, electronic cigarette products, nicotine products, and other
 95 illegal controlled substances to minors.

96 (4) Subject to appropriation, the department may determine how the funds may be used if
 97 the funds are used for a purpose described in Subsection (3).

98 (5) The department may award grants to other state and local law enforcement agencies and
 99 local education agencies for the disposal of confiscated electronic cigarette products.

100 Section 3. Section **59-14-201** is amended to read:

101 **59-14-201 (Effective 01/01/27). License -- Application of part -- Fee -- Bond --**
 102 **Exceptions.**

103 (1) It is unlawful for any person in this state to manufacture, import, distribute, barter, sell,
 104 exchange, or offer cigarettes for sale without first having obtained a license issued by
 105 the commission under Section 59-14-202.

106 (2) Except for the tax rates described in Subsection 59-14-204(2), this part does not apply
 107 to a cigarette produced from a cigarette rolling machine.

108 (3)(a) ~~[A license may not be issued for the sale of cigarettes until the applicant has paid~~
 109 ~~a license fee of \$30 or a license renewal fee of \$20, as appropriate]~~ The commission
 110 shall charge \$250 for issuing or renewing a license under this section.

111 (b) The fee for reinstatement of a license that has been revoked, suspended, or allowed
 112 to expire is ~~[\$30]~~ \$250.

113 (c) ~~[Notwithstanding Subsections (3)(a) and (b), the commission may not charge a fee~~
 114 ~~for a license under this section for a retailer, as defined in Section 59-14-102]~~ The
 115 commission shall deposit 88% of any fee received under this section to the fund
 116 described in Section 53-1-123.

117 (4)(a) A license may not be issued until the applicant files a bond with the commission.
 118 The commission shall determine the form and the amount of the bond, the minimum
 119 amount of which shall be \$500. The bond shall be executed by the applicant as
 120 principal, with a corporate surety, payable to the state and conditioned upon the
 121 faithful performance of all the requirements of this chapter, including the payment of
 122 all taxes, penalties, and other obligations.

123 (b) An applicant is not required to post a bond if the applicant:

124 (i) purchases during the license year only products that have the proper state stamp
 125 affixed as required by this chapter; and

126 (ii) files an affidavit with the applicant's application attesting to this fact.

127 (5) A person licensed under this section shall disclose on the application for a license each
 128 category of product the person will sell under the license from the following categories:

129 (a) tobacco products;

130 (b) nicotine products; or

131 (c) electronic cigarette products.

132 Section 4. Section **59-14-202** is amended to read:

133 **59-14-202 (Effective 01/01/27). Issuance of licenses -- Common carrier licenses --**
134 **Contents -- Valid for one year -- Revocation -- Distribution requirements.**

135 (1) Cigarette licenses may be issued only to a person owning or operating the place or
136 cigarette vending machine from which the cigarette sales are made.

137 (2)(a) A license is required for each separate place of business.

138 (b) A licensee shall notify the commission within 30 days in the event that it changes the
139 location of the business.

140 (3) Applications for a license under this chapter shall be submitted on a form authorized by
141 the commission. Each application shall state:

142 (a) the name and address of the applicant;

143 (b) the address of each place of business where the applicant's business will be
144 conducted within this state; and

145 (c) any other information the commission may require relevant to license qualification.

146 (4) A common carrier is not required to obtain more than one license for sales on
147 conveyances operated by that carrier within the state. All conveyances owned by a
148 common carrier are considered as one place of business for the purpose of this chapter.

149 (5) No license may be granted, maintained, or renewed:

150 (a) if any combination of people owning directly or indirectly, in the aggregate, more
151 than 10% of the ownership interests in the applicant:

152 (i) has been convicted of knowingly:

153 (A) selling stolen or counterfeit cigarettes;

154 (B) receiving stolen or counterfeit cigarettes; or

155 (C) being involved in the smuggling or counterfeiting of cigarettes;

156 (ii) is a cigarette manufacturer or importer that is not a:

157 (A) participating manufacturer as defined in subsection II(jj) of the "Master
158 Settlement Agreement"; or

159 (B) in full compliance with the provisions of this chapter dealing with
160 nonparticipating manufacturers;

161 (iii) has imported, or caused to be imported, into the United States any cigarette in
162 violation of 19 U.S.C. Sec. 1681a; or

163 (iv) has imported, or caused to be imported into the United States, or manufactured

- 164 for sale or distribution in the United States any cigarette that does not fully
165 comply with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Sec.
166 1331, et. seq.; and
- 167 (b) until the applicant:
- 168 (i) has paid any delinquent cigarette taxes; and
169 (ii) has served the period of suspension resulting from any prior revoked license.
- 170 (6) Each license shall be numbered, show the residence and place of business of the
171 licensee, and is nontransferable.
- 172 (7)(a) Each license is in effect for [~~three years~~] one year from the date of issuance,
173 unless the license is earlier revoked by the commission.
- 174 (b) The license expires on the expiration date shown on the license, unless the licensee
175 renews it in accordance with commission rules.
- 176 (c) The commission shall by rule establish procedures for the renewal and reinstatement
177 of licenses.
- 178 (d) For any license issued before January 1, 2027, during the 2027 calendar year, the
179 commission shall re-issue the license as a one-year license in the same calendar
180 month the license was originally set to expire and charge the associated license fee.
- 181 (8)(a) In addition to any civil or criminal penalty provided by law, the commission shall,
182 after providing notice and a hearing, revoke the license of any person:
- 183 (i) found to have violated this title; or
184 (ii) who no longer qualifies for licensure under Subsection (5).
- 185 (b) In the case of a revocation under Subsection (8)(a)(i), a license may not be issued to
186 that person within a period of two years after the violation.
- 187 (9) A licensee may not barter, sell, exchange, or offer for sale:
- 188 (a) cigarettes in an individual package or container that contains less than 20 cigarettes;
189 or
190 (b) roll-your-own cigarettes in an individual package or container that contains less than
191 0.6 ounces of tobacco.
- 192 (10)(a) The commission shall maintain a list that includes the identity of all people
193 licensed under this section.
- 194 (b) The list shall:
- 195 (i) include the type of license possessed; and
196 (ii) be updated by the commission at least once per quarter.
- 197 Section 5. Section **59-14-203** is amended to read:

198 **59-14-203 (Effective 01/01/27). Failure to obtain a license -- Penalty.**

199 (1) Any person engaging in the business of manufacturing, importing, distributing, or
200 selling or offering to sell cigarettes without holding a valid license that is currently not
201 suspended or revoked is guilty of a class B misdemeanor for each offense.

202 (2) A person who violates Subsection (1) is subject to an administrative fine of \$1,000 to be
203 collected by the commission.

204 Section 6. Section **59-14-301** is amended to read:

205 **59-14-301 (Effective 01/01/27). Registration and licensing -- Fee -- Bond**
206 **exceptions.**

207 (1) All manufacturers and distributors of all tobacco products, as defined in Section
208 59-14-102, who are responsible for the collection of tax on tobacco products under this
209 chapter, and all retailers of all tobacco products:

210 (a) shall register with the commission;

211 (b) shall be licensed by the commission under Part 2, Cigarettes; and

212 (c) are subject to the requirements, procedures, and penalties described in Part 2,
213 Cigarettes.

214 (2)(a) Subject to Subsection (2)(b), the commission shall charge \$250 for issuing or
215 renewing a license under this section.

216 (b) A fee may not be charged for registration and licensing of manufacturers, jobbers,
217 distributors, or retailers of tobacco products in addition to the cigarette license if such
218 a license is required.

219 (c) The commission shall deposit 88% of any fee received under this section to the fund
220 described in Section 53-1-123.

221 (d) The term of a license issued under this section is one year.

222 (e) For any license issued before January 1, 2027, during the 2027 calendar year, the
223 commission shall re-issue the license as a one-year license in the same calendar
224 month the license was originally set to expire and charge the associated license fee.

225 (3)(a) The commission shall require any manufacturer, wholesaler, retailer, or any other
226 person subject to this section, and who is responsible for the collection of tax on
227 tobacco products under this chapter, to post a bond as a prerequisite to registering.

228 (b) The bond shall be in a form and an amount determined by the commission.

229 (c) If the bond is required under Section 59-14-201, the bond may be a combination, the
230 minimum amount of which shall be \$1,000.

231 Section 7. Section **59-14-803** is amended to read:

232 **59-14-803 (Effective 01/01/27). License to sell electronic cigarette product or**
233 **nicotine product.**

- 234 (1) A person may not sell, offer to sell, or distribute an electronic cigarette product or a
235 nicotine product in this state without first:
- 236 (a) except as provided in Subsection (2), obtaining a license from the commission under
237 this section to sell an electronic cigarette product or a nicotine product; and
 - 238 (b) complying with any bonding requirement described in Subsection (5).
- 239 (2)(a) A person that holds a valid license to sell cigarettes under Section 59-14-201 or a
240 person that holds a valid license to sell tobacco products under Section 59-14-301
241 may, without obtaining a separate license in accordance with this section, sell, offer
242 to sell, or distribute an electronic cigarette product or a nicotine product in this state.
- 243 (b) Subject to Subsection (2)(a), the commission shall charge \$250 for issuing or
244 renewing a license under this section.
 - 245 (c) The commission shall deposit 88% of any fee received under this section to the fund
246 described in Section 53-1-123.
- 247 (3) The commission shall issue a license to sell an electronic cigarette product or a nicotine
248 product to a person that submits an application, on a form created by the commission,
249 that includes:
- 250 (a) the person's name;
 - 251 (b) the address of the facility where the person will sell an electronic cigarette product or
252 a nicotine product; and
 - 253 (c) any other information the commission requires to implement this chapter.
- 254 (4)(a) A license described in Subsection (3) is:
- 255 [~~(a)~~] (i) valid only at one fixed business address;
 - 256 [~~(b)~~] (ii) valid for [~~three years~~] one year;
 - 257 [~~(c)~~] (iii) valid only for a physical location; and
 - 258 [~~(d)~~] (iv) renewable if a licensee meets the criteria for licensing described in
259 Subsection (3).
- 260 (b) For any license issued before January 1, 2027, during the 2027 calendar year, the
261 commission shall re-issue the license as a one-year license in the same calendar
262 month the license was originally set to expire and charge the associated license fee.
- 263 (5)(a) The commission shall require a manufacturer, jobber, distributor, wholesaler, or
264 retailer that is responsible under this part for the collection of tax on an electronic
265 cigarette substance, a prefilled electronic cigarette, an alternative nicotine product, a

- 266 nontherapeutic nicotine device substance, or a prefilled nontherapeutic nicotine
267 device to post a bond.
- 268 (b) The manufacturer, jobber, distributor, wholesaler, or retailer may post the bond
269 required by Subsection (5)(a) in combination with any bond required by Section
270 59-14-201 or 59-14-301.
- 271 (c) Subject to Subsection (5)(d), the commission shall determine the form and amount of
272 the bond.
- 273 (d) The minimum amount of the bond shall be:
- 274 (i) except as provided in Subsection (5)(d)(ii) or (iii), \$500;
- 275 (ii) if the manufacturer, jobber, distributor, wholesaler, or retailer posts the bond
276 required by Subsection (5)(a) in combination with a bond required by either
277 Section 59-14-201 or 59-14-301, \$1,000; or
- 278 (iii) if the manufacturer, jobber, distributor, wholesaler, or retailer posts the bond
279 required by Subsection (5)(a) in combination with a bond required by both
280 Sections 59-14-201 and 59-14-301, \$1,500.
- 281 (6) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
282 Administrative Rulemaking Act, to establish the additional information described in
283 Subsection (3)(c) that a person shall provide in the application described in Subsection
284 (3).
- 285 (7) It is a class B misdemeanor for a person to violate Subsection (1).
- 286 (8) A person who violates Subsection (1) is subject to an administrative fine of \$1,000 to be
287 collected by the commission.
- 288 [~~(8) The commission may not charge a fee for a license under this section.~~]
- 289 Section 8. Section **59-14-810** is amended to read:
- 290 **59-14-810 (Effective 05/06/26). Electronic cigarette product registry.**
- 291 (1) Beginning on August 1, 2024, every manufacturer of an electronic cigarette product that
292 is sold in this state, whether directly or through a distributor, wholesaler, retailer, or
293 similar intermediary or intermediaries, shall certify under penalty of perjury on a form
294 and in the manner prescribed by the commission, that:
- 295 (a) the manufacturer agrees to comply with this section; and
- 296 (b) the electronic cigarette product is a premarket authorized or pending electronic
297 cigarette product as defined in Section 76-9-1101 and will not be illegal to be sold in
298 the state as of January 1, 2025.
- 299 (2) When submitting the certification a manufacturer shall submit a form that separately

- 300 lists each electronic cigarette product that is sold in this state.
- 301 (3)(a) Each certification form shall include:
- 302 (i) the name of the electronic cigarette product, nicotine content level by percentage,
303 and any flavors contained in the product;
- 304 (ii)(A) a copy of the order granting a premarket tobacco product application of the
305 electronic cigarette product by the United States Food and Drug
306 Administration under 21 U.S.C. Sec. 387j(c)(1)(A)(i); or
307 (B) evidence that the premarket tobacco product application for the electronic
308 cigarette product or nicotine product was submitted to the United States Food
309 and Drug Administration before September 9, 2020, and a final authorization
310 or order has not yet taken effect;
- 311 (iii) a nonrefundable \$1,000 fee for an electronic cigarette product that is being added
312 to the registry in the first instance; and
313 (iv) information described in Subsection (10) if applicable.
- 314 (b) The commission shall make the materials submitted under Subsection (3)(a)
315 available to the Department of Health and Human Services for review and approval.
- 316 (c) A manufacturer required to submit a certification form under this section shall notify
317 the commission and the Department of Health and Human Services in a manner
318 prescribed by the commission within 30 days of any material change making the
319 certification form no longer accurate, including:
- 320 (i) the issuance or denial of a marketing authorization or other order by the United
321 States Food and Drug Administration under 21 U.S.C. Sec. 387j; or
322 (ii) any other order or action by the United States Food and Drug Administration or
323 any court that affects the ability of the electronic cigarette product to be
324 introduced or delivered into interstate commerce for commercial distribution in
325 the United States.
- 326 (d) On or before January 31 of each year and in a manner prescribed by the commission,
327 a manufacturer shall:
- 328 (i) recertify that the information contained in the certification is correct and accurate;
329 (ii) correct or amend information if necessary; and
330 (iii) pay a \$250 nonrefundable fee for each electronic cigarette product on the registry
331 that is manufactured by the manufacturer.
- 332 (e) A manufacturer may amend a certification, including to add additional electronic
333 cigarette products to the registry, if all requirements of this section are met.

- 334 (f) The commission shall:
- 335 (i) provide an electronic notification to a manufacturer that has not submitted a
- 336 recertification under Subsection (3)(d); and
- 337 (ii) remove a manufacturer or an electronic cigarette product that is not recertified
- 338 from the registry by March 15.
- 339 (4)(a) The Department of Health and Human Services shall review materials described
- 340 in Subsection (3)(a) and notify the commission regarding whether an electronic
- 341 cigarette product should be included in the registry.
- 342 (b) On or before October 1, 2024, the commission shall make publicly available on the
- 343 commission's website a registry that lists each electronic cigarette product
- 344 manufacturer and each electronic cigarette product for which certification forms have
- 345 been approved by the Department of Health and Human Services.
- 346 (c) An electronic cigarette product may not be listed on the registry unless the
- 347 Department of Health and Human Services determines the requirements of
- 348 Subsection (3)(a) are met.
- 349 (5)(a) If the Department of Health and Human Services obtains information that an
- 350 electronic cigarette product should not be listed in the registry, the Department of
- 351 Health and Human Services shall provide the manufacturer notice and an opportunity
- 352 to cure deficiencies before notifying the commission to remove the manufacturer or
- 353 products from the registry.
- 354 (b) Except as provided in Subsection (5)(c), the Department of Health and Human
- 355 Services shall comply with Title 63G, Chapter 4, Administrative Procedures Act,
- 356 before notifying the commission to remove an electronic cigarette product or
- 357 manufacturer from the registry.
- 358 (c) Subsection (5)(b) does not apply to a manufacturer failing:
- 359 (i) to decertify an electronic cigarette product;
- 360 (ii) to provide fees and documentation described in Subsection (3)(a) or (3)(d); or
- 361 (iii) to comply with Subsection (10).
- 362 (6)(a) If a product is removed from the registry, each retailer, distributor, and wholesaler
- 363 shall have 30 days from the day on which the product is removed from the registry to
- 364 remove the product from any inventory and return the product to the manufacturer for
- 365 disposal.
- 366 (b) After the period described in Subsection (6)(a), any electronic cigarette product of a
- 367 manufacturer identified in the notice of removal are contraband and are subject to

368 penalties under Subsection (8)[~~and seizure, forfeiture, and destruction under Section~~
369 ~~26A-1-131~~].

370 (7)(a) Beginning on January 1, 2025, a person may not sell or offer for retail sale an
371 electronic cigarette product in this state that is not included in the registry.

372 (b) A manufacturer may not sell, either directly or through a distributor, wholesaler,
373 retailer, or similar intermediary or intermediaries, an electronic cigarette product in
374 this state that is not included in the registry.

375 (8)(a) A wholesaler, distributor, or retailer who sells or offers for retail sale an electronic
376 cigarette product in this state that is not included in the registry shall be subject to a
377 civil penalty assessed by the tax commission of:

378 (i) \$1,000 for each unit of product offered for sale in violation of this section; and

379 (ii) \$100 per day until the offending product is removed from the market or until the
380 offending product is properly listed on the registry.

381 (b) The commission shall suspend the person's license issued under [~~Section~~] Sections
382 59-14-201, 59-14-301, and 59-14-803 for a violation of Subsection (8)(a) as follows:

383 (i) for a second violation within a 12-month period, at least 14 days;

384 (ii) for a third violation within a 12-month period, at least 60 days; or

385 (iii) for a fourth violation within a 12-month period, at least one year.

386 (c) A manufacturer whose electronic cigarette products are not listed in the registry and
387 are sold in this state, whether directly or through a distributor, wholesaler, retailer, or
388 similar intermediary or intermediaries, is subject to a civil penalty assessed by the tax
389 commission of:

390 (i) \$1,000 for each unit of product offered for retail sale in violation of this section;
391 and

392 (ii) \$100 per day until the offending product is removed from the market or until the
393 offending product is properly listed on the registry.

394 (d) A manufacturer that falsely represents any information required by a certification
395 form described in this section shall be guilty of a class C misdemeanor for each false
396 representation.

397 (e) A repeated violation of this section shall constitute a deceptive act or practice as
398 provided in Sections 13-11-4 and 13-11a-3 and shall be subject to any remedies or
399 penalties available for a violation of those sections.

400 (9)(a) To assist in ensuring compliance and enforcement of this section and Section

401 26A-1-131, the commission shall disclose to the following entities, upon request, any

- 402 information obtained under this section:
- 403 (i) the Department of Health and Human Services;
- 404 (ii) a local health department; or
- 405 (iii) the attorney general.
- 406 (b) The commission and attorney general shall share with each other information
- 407 received under this section, or corresponding laws of other states.
- 408 (10)(a)[~~(f)~~] The commission may not list a nonresident manufacturer of an electronic
- 409 cigarette product in the registry unless:
- 410 [~~(A)~~] (i) the nonresident manufacturer has registered to do business in the state as a
- 411 foreign corporation or business entity; or
- 412 [~~(B)~~] (ii) the nonresident manufacturer appoints and maintains without interruption
- 413 the services of an agent in this state to receive any service of process on behalf of
- 414 the manufacturer.
- 415 (b) The nonresident manufacturer shall provide the name, address, and telephone
- 416 number of the agent to the commission.
- 417 (c)(i) A nonresident manufacturer shall provide notice to the commission 30 days
- 418 before the termination of the authority of an agent and shall further provide proof
- 419 to the satisfaction of the commission of the appointment of a new agent no less
- 420 than five calendar days prior to the termination of an existing agent appointment.
- 421 (ii) In the event an agent terminates an agency appointment, the manufacturer shall
- 422 notify the commission of the termination within five calendar days and shall
- 423 include proof to the satisfaction of the commission of the appointment of a new
- 424 agent.
- 425 (11) Before May 31 of each year, the commission and the Department of Health and
- 426 Human Services shall provide a report to the Revenue and Taxation Interim Committee
- 427 and the Health and Human Services Interim Committee regarding:
- 428 (a) the status of the registry;
- 429 (b) manufacturers and products included in the registry;
- 430 (c) revenue and expenditures related to administration of this section; and
- 431 (d) enforcement activities undertaken under this section and Section 26A-1-131.
- 432 (12) All fees and penalties collected under this section shall be used for administration and
- 433 enforcement of this section and Section 26A-1-131.
- 434 (13) The commission, in consultation with the Department of Health and Human Services,
- 435 may make rules in accordance with Title 63G, Chapter 3, Utah Administrative

436 Rulemaking Act, to implement this section.

437 Section 9. Section **76-9-1116** is amended to read:

438 **76-9-1116 (Effective 05/06/26). Unlawful sale of a tobacco product, electronic**
 439 **cigarette product, or nicotine product.**

440 (1)(a) As used in this section:

441 (i) "Compensatory service" means service or unpaid work performed by an
 442 employee, in lieu of the payment of a fine or imprisonment.

443 (ii) "Employee" means an employee or an owner of a tobacco retailer.

444 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

445 (2) An actor commits unlawful sale of a tobacco product, electronic cigarette product, or
 446 nicotine product if the actor:

447 (a) is an employee; and

448 (b) intentionally or knowingly sells or gives a tobacco product, an electronic cigarette
 449 product, or a nicotine product in the course of business to an individual younger than
 450 21 years old.

451 (3) A violation of Subsection (2) is~~is~~ a class A misdemeanor.

452 [~~(a) on a first violation:~~]

453 [~~(i) an infraction; and~~]

454 [~~(ii) subject to:~~]

455 [~~(A) a fine not exceeding \$1,000; or~~]

456 [~~(B) compensatory service; or~~]

457 [~~(b) on a subsequent violation:~~]

458 [~~(i) a class C misdemeanor; and~~]

459 [~~(ii) subject to:~~]

460 [~~(A) a fine not exceeding \$2,000; or~~]

461 [~~(B) compensatory service.~~]

462 Section 10. **Effective Date.**

463 (1) Except as provided in Subsection (2), this bill takes effect January 1, 2027.

464 (2) The actions affecting the following sections take effect on May 6, 2026:

465 (a) Section 26A-1-131 (Effective 05/06/26);

466 (b) Section 59-14-810 (Effective 05/06/26); and

467 (c) Section 76-9-1116 (Effective 05/06/26).