

HB0337S05 compared with HB0337S02

~~{Omitted text}~~ shows text that was in HB0337S02 but was omitted in HB0337S05

inserted text shows text that was not in HB0337S02 but was inserted into HB0337S05

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1 Nicotine Product Tax Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Jerry W Stevenson

3 LONG TITLE

4 General Description:

5 This bill modifies provisions related to nicotine product taxes.

6 Highlighted Provisions:

7 This bill:

8 ▸ defines terms;

8 ▸ increases the {rate-} rates of the {tax-} taxes levied on cigarettes, electronic cigarettes, and
nontherapeutic nicotine devices;

9 ▸ replaces {a-} the weight-based tax rate for moist snuff {and alternative nicotine products-} with a
tax rate based on a percentage of the manufacturer's sales price;

13 ▸ replaces the weight-based tax rate for alternative nicotine products with:

11 ▸ {repeals provisions providing for-} a per product tax rate {reduction-} , for {certain modified risk
tobacco-} alternative nicotine products{;} that contain pouches; or

13 ▸ {provides for an annual distribution of a portion of the money deposited into the Electronic
Cigarette Substance and Nicotine Product Proceeds Restricted Account to fund certain law
enforcement officer positions;}

HB0337S02

HB0337S02 compared with HB0337S05

16 ▸ ~~{includes coordination clauses to incorporate changes made to Section 59-14-807 with~~
changes made to that section in H.B. 229, Restricted Account Modifications, and S.B. 98,
Substance Use Rehabilitation Amendments; and}

15 • a tax rate based on a percentage of the manufacturer's sales price, for alternative
nicotine products that do not contain pouches;

17 ▸ imposes a transitional inventory tax on cigarettes subject to the tax increase described in
this bill; and

19 ▸ makes technical ~~{and conforming-}~~ changes.

20 Money Appropriated in this Bill:

21 ▸ {

This bill appropriates \$2,000,000 in operating and capital budgets for fiscal year 2027,
all

22 of which is from the various sources as detailed in this bill.

}

21 None

22 Other Special Clauses:

23 This bill provides a special effective date.

24 Utah Code Sections Affected:

25 AMENDS:

26 59-14-102 , as last amended by Laws of Utah 2025, Chapter 173

27 59-14-204 ~~{{Effective 07/01/26}}~~, as last amended by Laws of Utah 2016, Chapter 168

28 59-14-215 , as enacted by Laws of Utah 2010, Chapter 415 and last amended by
Coordination Clause, Laws of Utah 2010, Chapter 407

30 59-14-302 ~~{{Effective 07/01/26}}~~, as last amended by Laws of Utah 2020, Chapter 347

31 59-14-804 ~~{{Effective 07/01/26}}~~, as last amended by Laws of Utah 2023, Chapter 300

31 ~~{59-14-807 (Effective 07/01/26) (Partially Repealed 07/01/30), as last amended by Laws of~~
~~Utah 2025, Chapters 173, 366}~~

REPEALS:

34 ~~{59-14-104 (Effective 07/01/26), as enacted by Laws of Utah 2020, Chapter 347}~~

32

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

HB0337S02 compared with HB0337S05

Section 1. Section 59-14-102 is amended to read:

59-14-102. Definitions.

As used in this chapter:

- (1) "Alternative nicotine product" means the same as that term is defined in Section 76-9-1101.
- (2) "Cigarette" means a roll made wholly or in part of tobacco:
 - (a) regardless of:
 - (i) the size of the roll;
 - (ii) the shape of the roll;
 - (iii) whether the tobacco is flavored, adulterated, or mixed with any other ingredient; or
 - (iv) whether the tobacco is heated or burned; and
 - (b) if the roll has a wrapper or cover that is made of paper or any other substance or material except tobacco.
- (3) "Cigarette rolling machine" means a device or machine that has the capability to produce at least 150 cigarettes in less than 30 minutes.
- (4) "Cigarette rolling machine operator" means a person who:
 - (a)
 - (i) controls, leases, owns, possesses, or otherwise has available for use a cigarette rolling machine; and
 - (ii) makes the cigarette rolling machine available for use by another person to produce a cigarette; or
 - (b) offers for sale, at retail, a cigarette produced from the cigarette rolling machine.
- (5) "Consumer" means a person that is not required:
 - (a) under Section 59-14-201 to obtain a license under Section 59-14-202;
 - (b) under Section 59-14-301 to obtain a license under Section 59-14-202; or
 - (c) to obtain a license under Section 59-14-803.
- (6) "Counterfeit cigarette" means:
 - (a) a cigarette that has a false manufacturing label; or
 - (b) a package of cigarettes bearing a counterfeit tax stamp.
- (7)
 - (a) "Electronic cigarette" means the same as that term is defined in Section 76-9-1101.
 - (b) "Electronic cigarette" does not include a cigarette or a tobacco product.
- (8) "Electronic cigarette product" means the same as that term is defined in Section 76-9-1101.
- (9) "Electronic cigarette substance" means the same as that term is defined in Section 76-9-1101.

HB0337S02 compared with HB0337S05

- 69 (10) "Importer" means a person that imports into the United States, either directly or indirectly, a
finished cigarette for sale or distribution.
- 71 (11) "Indian tribal entity" means a federally recognized Indian tribe, tribal entity, or any other person
doing business as a distributor or retailer of cigarettes on tribal lands located in the state.
- 74 (12) "Little cigar" means a roll for smoking that:
- 75 (a) is made wholly or in part of tobacco;
- 76 (b) uses an integrated cellulose acetate filter or other similar filter; and
- 77 (c) is wrapped in a substance:
- 78 (i) containing tobacco; and
- 79 (ii) that is not exclusively natural leaf tobacco.
- 80 (13)
- (a) Except as provided in Subsection (13)(b), "manufacturer" means a person that:
- 81 (i) manufactures, fabricates, assembles, processes, or labels a finished cigarette; or
- 82 (ii) makes, modifies, mixes, manufactures, fabricates, assembles, processes, labels, repackages,
relabels, or imports an electronic cigarette product or a nicotine product.
- 85 (b) "Manufacturer" does not include a cigarette rolling machine operator.
- 86 (14) "Moist snuff" means tobacco that:
- 87 (a) is finely cut, ground, or powdered;
- 88 (b) has at least 45% moisture content, as determined by the commission by rule made in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 90 (c) is not intended to be:
- 91 (i) smoked; or
- 92 (ii) placed in the nasal cavity; and
- 93 (d) except for single-use pouches of loose tobacco, is not packaged, produced, sold, or distributed in
single-use units, including:
- 95 (i) tablets;
- 96 (ii) lozenges;
- 97 (iii) strips;
- 98 (iv) sticks; or
- 99 (v) packages containing multiple single-use units.
- 100 (15) "Nicotine" means the same as that term is defined in Section 76-9-1101.

HB0337S02 compared with HB0337S05

(16) "Nicotine pouch product" means an alternative nicotine product that:
(a) delivers nicotine in the form of a pouch containing a solid, gel, or paste; and
(b) is intended for human consumption or placement in the oral cavity for absorption into the human body by any means other than inhalation.

~~[(16)]~~ (17) "Nicotine product" means the same as that term is defined in Section 76-9-1101.

~~[(17)]~~ (18) "Nontherapeutic nicotine device" means the same as that term is defined in Section 76-9-1101.

~~[(18)]~~ (19) "Nontherapeutic nicotine device substance" means the same as that term is defined in Section 76-9-1101.

~~[(19)]~~ (20) "Nontherapeutic nicotine product" means the same as that term is defined in Section 76-9-1101.

~~[(20)]~~ (21) "Prefilled electronic cigarette" means the same as that term is defined in Section 76-9-1101.

~~[(21)]~~ (22) "Prefilled nontherapeutic nicotine device" means the same as that term is defined in Section 76-9-1101.

~~[(22)]~~ (23) "Retailer" means a person that:

(a) sells or distributes a cigarette, an electronic cigarette product, or a nicotine product to a consumer in the state; or

(b) intends to sell or distribute a cigarette, an electronic cigarette product, or a nicotine product to a consumer in the state.

~~[(23)]~~ (24) "Stamp" means the indicia required to be placed on a cigarette package that evidences payment of the tax on cigarettes required by Section 59-14-205.

~~[(24)]~~ (25)

(a) "Tobacco product" means a product made of, or containing, tobacco.

(b) "Tobacco product" includes:

(i) a cigarette produced from a cigarette rolling machine;

(ii) a little cigar; or

(iii) moist snuff.

(c) "Tobacco product" does not include a cigarette.

~~[(25)]~~ (26) "Tribal lands" means land held by the United States in trust for a federally recognized Indian tribe.

Section 2. Section **59-14-204** is amended to read:

HB0337S02 compared with HB0337S05

132 **59-14-204. ~~{{Effective 07/01/26}}~~ Tax basis -- Rate -- Future increase -- Cigarette Tax**
Restricted Account -- Appropriation and expenditure of revenues.

- 43 (1) Except for cigarettes described under Subsection 59-14-210(3), there is levied a tax upon the sale,
 use, storage, or distribution of cigarettes in the state.
- 45 (2) The ~~[rates of the tax levied under Subsection (1) are, beginning on July 1, 2010:]~~ rate of the tax
 levied under Subsection (1) is {~~17.25~~} 11 cents on each cigarette.
- 47 ~~[(a) 8.5 cents on each cigarette, for all cigarettes weighing not more than three pounds per thousand~~
 ~~cigarettes; and]~~
- 49 ~~[(b) 9.963 cents on each cigarette, for all cigarettes weighing in excess of three pounds per thousand~~
 ~~cigarettes.]~~
- 51 (3) Except as otherwise provided under this chapter, the tax levied under Subsection (1) shall be paid
 by any person who is the manufacturer, jobber, importer, distributor, wholesaler, retailer, user, or
 consumer.
- 54 (4) The tax rates specified in this section shall be increased by the commission by the same amount as
 any future reduction in the federal excise tax on cigarettes.
- 56 (5)
- (a) There is created within the General Fund a restricted account known as the "Cigarette Tax Restricted
 Account."
- 58 (b) The Cigarette Tax Restricted Account consists of:
- 59 (i) the first \$7,950,000 of the revenues collected from a tax under this section; and
- 60 (ii) any other appropriations the Legislature makes to the Cigarette Tax Restricted Account.
- 62 (c) For each fiscal year beginning with fiscal year 2011-12 and subject to appropriation by the
 Legislature, the Division of Finance shall distribute money from the Cigarette Tax Restricted
 Account as follows:
- 65 (i) \$250,000 to the Department of Health to be expended for a tobacco prevention and control media
 campaign targeted towards children;
- 67 (ii) \$2,900,000 to the Department of Health to be expended for tobacco prevention, reduction, cessation,
 and control programs;
- 69 (iii) \$2,000,000 to the University of Utah Health Sciences Center for the Huntsman Cancer Institute to
 be expended for cancer research; and

HB0337S02 compared with HB0337S05

(iv) \$2,800,000 to the University of Utah Health Sciences Center to be expended for medical education at the University of Utah School of Medicine.

(d) In determining how to appropriate revenue deposited into the Cigarette Tax Restricted Account that is not otherwise appropriated under Subsection (5)(c), the Legislature shall give particular consideration to enhancing Medicaid provider reimbursement rates and medical coverage for the uninsured.

Section 3. Section 59-14-215 is amended to read:

59-14-215. Transitional inventory tax on cigarettes -- Penalties and interest for failure to comply -- Credit or refund for outdated, unaffixed stamps.

(1) In addition to the tax described in Section 59-14-204, there is imposed, beginning on July 1, [2010] 2026, an inventory tax on all cigarettes subject to the tax described in Section 59-14-204, upon the sale, use, storage, or distribution of those cigarettes in the state, as follows:

(a) the tax imposed in this section applies only to cigarettes sold, used, stored, or distributed in the state on or after July 1, [2010] 2026:

(i) that have a stamp that reflects that the tax paid on those cigarettes was paid at the tax rate imposed under Section 59-14-204 that was applicable on June 30, [2010] 2026; and

(ii) for which the tax imposed in this section has not been paid; and

(b) the tax imposed in this section is equal to the difference between:

(i) the tax imposed on those cigarettes under Section 59-14-204, beginning on July 1, [2010] 2026; and

(ii) the tax imposed on those cigarettes under Section 59-14-204 on or before June 30, [2010] 2026.

(2) Except as otherwise provided under this chapter, the tax imposed under this section shall be paid by any person who is the manufacturer, jobber, importer, distributor, wholesaler, or retailer.

(3) A person described in Subsection (2) shall remit the tax imposed in this section, on a return prescribed by the commission, on or before July 31, [2010] 2026.

(4) Failure of a person to comply with the requirements of this section subjects the person to the penalties and interest described in Sections 59-1-401 and 59-1-402.

(5) The commission may not waive the interest or penalties imposed on a person for failure to comply with the requirements of this section.

(6)

HB0337S02 compared with HB0337S05

(a) Beginning on July 1, [2010] 2026, it is unlawful to affix a stamp to cigarettes that reflects payment of the tax imposed under Section 59-14-204 at the rate that was applicable on or before June 30, [2010] 2026.

(b) A person who violates Subsection (6)(a) may be required by the commission to pay as part of the tax, and in addition to any other penalty provided in this chapter, a penalty of \$25 for each offense, to be assessed and collected by the commission in accordance with Chapter 1, Part 14, Assessment, Collections, and Refunds Act.

(c) A person who, on or after July 1, [2010] 2026, possesses tax stamps described in Subsection (6)(a) may return the stamps to the commission for a credit or refund.

Section 4. Section **59-14-302** is amended to read:

59-14-302. ~~{{(Effective 07/01/26)}}~~ Tax basis -- Rates.

(1) As used in this section:

(a) "Manufacturer's sales price" means the amount the manufacturer of a tobacco product charges after subtracting a discount.

(b) "Manufacturer's sales price" includes an original Utah destination freight charge, regardless of:

(i) whether the tobacco product is shipped f.o.b. origin or f.o.b. destination; or

(ii) who pays the original Utah destination freight charge.

(2) There is levied a tax upon the sale, use, or storage of tobacco products in the state.

(3)

(a) Subject to Subsection (3)(b), the tax levied under Subsection (2) shall be paid by the manufacturer, jobber, distributor, wholesaler, retailer, user, or consumer.

(b) The tax levied under Subsection (2) on a cigarette produced from a cigarette rolling machine shall be paid by the cigarette rolling machine operator.

(4) For tobacco products except for {{ moist snuff, }} a little cigar~~{{, }}~~ or a cigarette produced from a cigarette rolling machine, the amount of the tax under this section is .86 multiplied by the manufacturer's sales price.

(5) The amount of the tax under this section on moist snuff is .73 multiplied by the manufacturer's sales price.

~~[(5)~~

~~(a) Subject to Subsection (5)(b), the tax under this section on moist snuff is imposed:]~~

~~[(i) at a rate of \$1.83 per ounce; and]~~

HB0337S02 compared with HB0337S05

- 96 [(ii) on the basis of the net weight of the moist snuff as listed by the manufacturer.]
97 [(b) If the net weight of moist snuff is in a quantity that is a fractional part of one ounce, a proportionate
amount of the tax described in Subsection (5)(a) is imposed:]
99 [(i) on that fractional part of one ounce; and]
100 [(ii) in accordance with rules made by the commission in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.]
102 {{(6){}} (5){}}
(a) A little cigar is taxed at the same tax rates as a cigarette is taxed under Subsection 59-14-204(2).
104 (b)
(i) Subject to Subsection {{(6)(b)(ii){}} (5)(b)(ii){}}, a cigarette produced from a cigarette rolling
machine is taxed at the same tax rates as a cigarette is taxed under Subsection 59-14-204(2).
107 (ii) A tax under this Subsection {{(6)(b){}} (5)(b){}} is imposed on the date the cigarette is produced
from the cigarette rolling machine.
109 {{(7){}} (6){}}
(a) Moisture content of a tobacco product is determined at the time of packaging.
110 (b) A manufacturer who distributes a tobacco product in, or into, Utah, shall:
111 (i) for a period of three years after the last day on which the manufacturer distributes the tobacco
product in, or into, Utah, keep valid scientific evidence of the moisture content of the tobacco
product available for review by the commission, upon demand; and
115 (ii) provide a document, to the person described in Subsection (3) to whom the manufacturer distributes
the tobacco product, that certifies the moisture content of the tobacco product, as verified by the
scientific evidence described in Subsection {{(7)(b)(i){}} (6)(b)(i){}}.
119 (c) A manufacturer who fails to comply with the requirements of Subsection {{(7)(b){}} (6)(b){}} is
liable for the nonpayment or underpayment of taxes on the tobacco product by a person who relies,
in good faith, on the document described in Subsection {{(7)(b)(ii){}} (6)(b)(ii){}}.
123 (d) A person described in Subsection (3) who is required to pay tax on a tobacco product:
124 (i) shall, for a period of three years after the last day on which the person pays the tax on the tobacco
product, keep the document described in Subsection {{(7)(b)(ii){}} (6)(b)(ii){}} available for review
by the commission, upon demand; and
127 (ii) is not liable for nonpayment or underpayment of taxes on the tobacco product due to the person's
good faith reliance on the document described in Subsection {{(7)(b)(ii){}} (6)(b)(ii){}}.

HB0337S02 compared with HB0337S05

Section 5. Section 59-14-804 is amended to read:

59-14-804. ~~{{Effective 07/01/26}}~~ Taxation of electronic cigarette substance, prefilled electronic cigarette, alternative nicotine product, nontherapeutic nicotine device substance, and prefilled nontherapeutic nicotine device.

(1)

(a) Beginning on July 1, 2020, a tax is imposed upon the following:

(i) an electronic cigarette substance; and

(ii) a prefilled electronic cigarette.

(b) Beginning on July 1, 2021, a tax is imposed upon the following:

(i) a nontherapeutic nicotine device substance; and

(ii) a prefilled nontherapeutic nicotine device.

(c) Beginning on July 1, 2021, a tax is imposed upon an alternative nicotine product.

(2)

~~{{(a)}}~~ The amount of tax imposed under ~~{{Subsections (1)(a) and (b)}}~~ ~~Subsection (1)}~~ is ~~\$.56~~ .71 multiplied by the manufacturer's sales price.

(b)

(i) The amount of tax imposed under Subsection (1)(c) on an alternative nicotine product that is a nicotine pouch product is the sum of:

(A) \$1; and

(B) 5 cents on each pouch contained within the alternative nicotine product in excess of 20 pouches.

(ii) The amount of tax imposed under Subsection (1)(c) on an alternative nicotine product that is not a nicotine pouch product is .73 multiplied by the manufacturer's sales price.

~~[(b)~~

~~(i) The tax under Subsection (1)(c) on an alternative nicotine product is imposed:]~~

~~[(A) at a rate of \$1.83 per ounce; and]~~

~~[(B) on the basis of the net weight of the alternative nicotine product as listed by the manufacturer.]~~

~~[(ii) If the net weight of the alternative nicotine product is in a quantity that is a fractional part of one ounce, a proportionate amount of the tax described in Subsection (2)(b)(i)(A) is imposed:]~~

~~[(A) on that fractional part of one ounce; and]~~

~~[(B) in accordance with rules made by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

HB0337S02 compared with HB0337S05

- 153 (3) If a product is sold in the same package as a product that is taxed under Subsection (1), the tax
described in Subsection (2) shall apply to the wholesale manufacturer's sale price of the entire
packaged product.
- 156 (4)
- (a) A manufacturer, jobber, distributor, wholesaler, retailer, consumer, or user shall pay the tax levied
under Subsection (1) at the time that an electronic cigarette substance, a prefilled electronic
cigarette, an alternative nicotine product, a nontherapeutic nicotine device substance, or a prefilled
nontherapeutic nicotine device is first received in the state.
- 161 (b) A manufacturer, jobber, distributor, wholesaler, retailer, consumer, or user may not resell an
electronic cigarette substance, a prefilled electronic cigarette, an alternative nicotine product, a
nontherapeutic nicotine device substance, or a prefilled nontherapeutic nicotine device to another
distributor, another retailer, or a consumer before paying the tax levied under Subsection (1).
- 166 (5)
- (a) The manufacturer, jobber, distributor, wholesaler, retailer, consumer, or user shall remit the taxes
collected in accordance with this section to the commission.
- 168 (b) The commission shall deposit revenues generated by the tax imposed by this section into the
Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account created in Section
59-14-807.
- 172 ~~{Section 4. Section 59-14-807 is amended to read: }~~
- 173 **59-14-807. Electronic Cigarette Substance and Nicotine Product Proceeds Restricted**
Account.
- 175 (1) There is created within the General Fund a restricted account known as the "Electronic Cigarette
Substance and Nicotine Product Proceeds Restricted Account."
- 177 (2) The Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account consists of:
- 179 (a) revenue collected from the tax imposed by Section 59-14-804;
- 180 (b) fees and penalties collected under Section 59-14-810;
- 181 (c) all money received by the attorney general or the Department of Commerce as a result of any
judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the
manufacture, marketing, distribution, or sale of electronic cigarette products, as defined in Section
76-9-1101:
- 185

HB0337S02 compared with HB0337S05

(i) if the total amount of the judgment, settlement, or compromise received by the state exceeds \$1,000,000; and

(ii) after reimbursement to the attorney general and the Department of Commerce for expenses related to the matters described in this Subsection (2)(c); and

(d) amounts appropriated by the Legislature.

(3)

(a) Subject to Subsections (3)(b) and (c), for each fiscal year and subject to appropriation by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account:

(i) \$2,000,000 to the Department of Health and Human Services for enforcement services aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, or other illegal controlled substances to minors, which the Department of Health and Human Services shall allocate to the local health departments using the formula created in accordance with Section 26A-1-116;

(ii) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors;

(iii) \$1,000,000 to the Department of Health and Human Services for enforcement services aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors;

(iv) \$3,000,000 to the Department of Health and Human Services for community partner prevention programs, which the Department of Health and Human Services shall allocate to the local health departments using the formula created in accordance with Section 26A-1-116;

(v) \$1,000,000 to the Department of Health and Human Services for statewide cessation programs and prevention education;

(vi) \$2,000,000 to the Department of Health and Human Services for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television; [and]

(vii) \$5,084,200 to the State Board of Education for school-based prevention programs[.]; and

(viii) \$2,000,000 to the Department of Public Safety, in addition to the distribution described in Subsection (3)(a)(ii), for law enforcement officers:

HB0337S02 compared with HB0337S05

- 221 (A) of the law enforcement agency of a city that is the seat of government for a county of the first class;
222 and
- 223 (B) aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette
224 products, nicotine products, and other illegal controlled substances to minors.
- 226 (b) If the amount in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted
227 Account is insufficient to cover the distributions described in Subsection (3)(a), the Division of
228 Finance shall make the distributions under Subsection (3)(a):
- 229 (i) sequentially in the order of priority the distributions are listed under Subsection (3)(a);
- 231 (ii) in full or, if insufficient funds are available to satisfy the next distribution in the sequence, in part;
232 and
- 233 (iii) until the available funds in the Electronic Cigarette Substance and Nicotine Product Proceeds
234 Restricted Account are exhausted.
- 235 (c) For each fiscal year and subject to appropriation by the Legislature, the Division of Finance shall
236 distribute from the funds deposited under Section 59-14-810 into the Electronic Cigarette Substance
237 and Nicotine Product Proceeds Restricted Account:
- 238 (i) to the commission, in an amount equal to the amount necessary to create and maintain the registry
239 described in Section 59-14-810;
- 240 (ii) to the Department of Health and Human Services, in an amount necessary for completing duties
241 described in Section 59-14-810; and
- 242 (iii) to the Department of Health and Human Services, the remainder to be divided among the local
243 health departments for inspection and enforcement described in Sections 26A-1-131 and 59-14-810.
- 245 (4)
- 246 (a) The local health departments shall use the money received in accordance with Subsection (3)(a) for
247 enforcing:
- 248 (i) the regulation provisions described in Section 26B-7-505;
- 249 (ii) the labeling requirement described in Section 26B-7-505; and
- 250 (iii) the penalty provisions described in Section 26B-7-518.
- 251 (b) The Department of Health and Human Services shall use the money received in accordance with
252 Subsection (3)(a)(v) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
253 Program created in Section 26B-1-428.

HB0337S02 compared with HB0337S05

(c) The local health departments shall use the money received in accordance with Subsection (3)(a)(iv) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug Prevention Grant Program created in Section 26A-1-129.

(d) The State Board of Education shall use the money received in accordance with Subsection (3)(a)(vii) to distribute to local education agencies to pay for:

(i)

(A) stipends for positive behaviors specialists as described in Subsection 53G-10-407(4)(a)(i);

(B) the cost of administering the positive behaviors plan as described in Subsection 53G-10-407(4)(a)(ii); and

(C) the cost of implementing an Underage Drinking and Substance Abuse Prevention Program in grade 4 or 5, as described in Subsection 53G-10-406(3)(b); or

(ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

(e) The Department of Public Safety shall distribute the money received in accordance with Subsection (3)(a)(viii) to the law enforcement agency of a city that is the seat of government for a county of the first class to fund 10 law enforcement officer positions responsible for conducting the operations described in Subsection (3)(a)(viii)(B).

(5)

(a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account after the distribution described in Subsection (3) may only be used for:

(a) funding commission personnel to enforce compliance with the tax collection requirements of this part; and

(b) programs and activities related to the prevention and cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

Section . **FY 2027 Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for fiscal year 2027.

Subsection 6(a). **Operating and Capital Budgets**

HB0337S02 compared with HB0337S05

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

To Department of Public Safety - Programs & Operations

2,000,000

Schedule of Programs:

2,000,000

The Legislature intends that the appropriation under this item be used by the Department of Public Safety for the purpose described in Subsection 59-14-807(4)(e).

Section 8. **Coordinating H.B. 337 with H.B. 229.**

If H.B. 337, Nicotine Product Tax Amendments, and H.B. 229, Restricted Account Modifications, both pass and become law, the Legislature intends that, on July 1, 2026, Subsection 59-14-807(3)(a)(viii), enacted in H.B. 337, be amended to read:

"(viii) to the Department of Public Safety, in addition to the distribution described in Subsection (3)(a)(ii), for law enforcement officers:

(A) of the law enforcement agency of a city that is the seat of government for a county of the first class; and

(B) aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors."

Section 9. **Coordinating H.B. 337 with S.B. 98.**

If H.B. 337, Nicotine Product Tax Amendments, and S.B. 98, Substance Use Rehabilitation Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, Subsection 59-14-807(3)(a)(viii), enacted in S.B. 98, be renumbered to Subsection 59-14-807(3)(a)(ix).

Section 6. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

Section 8. **Repealer.**

HB0337S02 compared with HB0337S05

This Bill Repeals:

282 Section **59-14-104, Rate reduction for modified risk tobacco products.**

3-5-26 3:14 PM