

59-14-102 Definitions.

As used in this chapter:

- (1) "Cigarette" means a roll for smoking made wholly or in part of tobacco:
 - (a) regardless of:
 - (i) the size of the roll;
 - (ii) the shape of the roll; or
 - (iii) whether the tobacco is:
 - (A) flavored;
 - (B) adulterated; or
 - (C) mixed with any other ingredient; and
 - (b) if the wrapper or cover of the roll is made of paper or any other substance or material except tobacco.
- (2) "Cigarette rolling machine" means a device or machine that has the capability to produce at least 150 cigarettes in less than 30 minutes.
- (3) "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.
- (4) "Consumer" means a person that is not required:
 - (a) under Section 59-14-201 to obtain a license under Section 59-14-202; or
 - (b) under Section 59-14-301 to obtain a license under Section 59-14-202.
- (5) "Counterfeit cigarette" means:
 - (a) a cigarette that has a false manufacturing label; or
 - (b) a package of cigarettes bearing a counterfeit tax stamp.
- (6) "Importer" means a person who imports into the United States, either directly or indirectly, a finished cigarette for sale or distribution.
- (7) "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.
- (8) "Little cigar" means a roll for smoking:
 - (a) made wholly or in part of tobacco;
 - (b) that uses an integrated cellulose acetate filter or other similar filter; and
 - (c) that is wrapped in a substance:
 - (i) containing tobacco; and
 - (ii) that is not exclusively natural leaf tobacco.
- (9)
 - (a) Except as provided in Subsection (9)(b), "manufacturer" means a person who manufactures, fabricates, assembles, processes, or labels a finished cigarette.
 - (b) "Manufacturer" does not include a cigarette rolling machine operator.
- (10) "Moist snuff" means tobacco that:
 - (a) is finely:
 - (i) cut;
 - (ii) ground; or
 - (iii) powdered;
 - (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;

- (c) is not intended to be:
 - (i) smoked; or
 - (ii) placed in the nasal cavity; and
- (d) except for single-use pouches of loose tobacco, is not packaged, produced, sold, or distributed in single-use units, including:
 - (i) tablets;
 - (ii) lozenges;
 - (iii) strips;
 - (iv) sticks; or
 - (v) packages containing multiple single-use units.
- (11) "Retailer" means a person that:
 - (a) sells or distributes a cigarette to a consumer in the state; or
 - (b) intends to sell or distribute a cigarette to a consumer in the state.
- (12) "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.
- (13)
 - (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.
- (14) "Tribal lands" means land held by the United States in trust for a federally recognized Indian tribe.

Amended by Chapter 148, 2013 General Session