

**59-14-509 Restrictions on mail order or Internet sales.**

- (1) For purposes of this section:
  - (a) "Distributor" means a person, wherever residing or located, who:
    - (i) is licensed in this state to purchase non-taxed tobacco products; and
    - (ii) stores, sells, or otherwise disposes of tobacco products.
  - (b) "Licensed person" is as defined in Subsection 59-14-409(1).
  - (c) "Order or purchase" includes:
    - (i) by mail or delivery service;
    - (ii) through the Internet or computer network;
    - (iii) by telephone; or
    - (iv) through some other electronic method.
  - (d) "Retailer" means any person who sells tobacco products to consumers for personal consumption.
- (2) A person, distributor, manufacturer, or retailer shall not:
  - (a) cause tobacco products or cigarettes as defined in Section 59-22-202 to be ordered or purchased by anyone other than a licensed person; or
  - (b) knowingly provide substantial assistance to a person who violates this section.
- (3)
  - (a) Each order or purchase of a tobacco product or cigarettes as defined in Section 59-22-202 in violation of Subsection (2) shall constitute a separate violation under this section.
  - (b) In addition to the penalties in Subsection (4), a person who violates this section is subject to:
    - (i) a civil penalty in an amount not to exceed \$5,000 for each violation of this section;
    - (ii) an injunction to restrain a threatened or actual violation of this section; and
    - (iii) recovery by the state for:
      - (A) the costs of investigation;
      - (B) the cost of expert witness fees;
      - (C) the cost of the action; and
      - (D) reasonable attorney's fees.
- (4) A person who knowingly violates this section has engaged in an unfair and deceptive trade practice in violation of Title 13, Chapter 5, Unfair Practices Act, and the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the General Fund.

Enacted by Chapter 341, 2009 General Session