

59-14-703 Certification of cigarette rolling machine operators -- Renewal of certification -- Requirements for certification or renewal of certification -- Denial.

- (1) A cigarette rolling machine operator may not perform the following without first obtaining certification from the commission as provided in this part:
 - (a) locate a cigarette rolling machine within this state;
 - (b) make or offer to make a cigarette rolling machine available for use within this state; or
 - (c) offer a cigarette for sale within this state if the cigarette is produced by:
 - (i) the cigarette rolling machine operator; or
 - (ii) another person at the location of the cigarette rolling machine operator's cigarette rolling machine.
- (2) A cigarette rolling machine operator shall renew its certification as provided in this section.
- (3) The commission shall prescribe a form for certifying a cigarette rolling machine operator under this part.
- (4)
 - (a) A cigarette rolling machine operator shall apply to the commission for certification before the cigarette rolling machine operator performs an act described in Subsection (1) within the state for the first time.
 - (b) A cigarette rolling machine operator shall apply to the commission for a renewal of certification on or before the earlier of:
 - (i) December 31 of each year; or
 - (ii) the day on which there is a change in any of the information the cigarette rolling machine operator provides on the form described in Subsection (3).
- (5) To obtain certification or renewal of certification under this section from the commission, a cigarette rolling machine operator shall:
 - (a) identify:
 - (i) the cigarette rolling machine operator's name and address;
 - (ii) the location, make, and brand of the cigarette rolling machine operator's cigarette rolling machine; and
 - (iii) each person from whom the cigarette rolling machine operator will purchase or be provided tobacco products that the cigarette rolling machine operator will use to produce cigarettes; and
 - (b) certify, under penalty of perjury, that:
 - (i) the tobacco to be used in the cigarette rolling machine operator's cigarette rolling machine, regardless of the tobacco's label or description, shall be only of a:
 - (A) brand family listed on the commission's directory listing required by Section 59-14-603; and
 - (B) tobacco product manufacturer listed on the commission's directory listing required by Section 59-14-603;
 - (ii) the cigarette rolling machine operator shall prohibit another person who uses the cigarette rolling machine operator's cigarette rolling machine from using tobacco, a wrapper, or a cover except for tobacco, a wrapper, or a cover purchased by or provided to the cigarette rolling machine operator from a person identified in accordance with Subsection (5)(a)(iii);
 - (iii) the cigarette rolling machine operator holds a current license issued in accordance with this chapter;
 - (iv) the cigarettes produced from the cigarette rolling machine shall comply with Title 53, Chapter 7, Part 4, The Reduced Cigarette Ignition Propensity and Firefighter Protection Act;

- (v) the cigarette rolling machine shall be located in a separate and defined area where the cigarette rolling machine operator ensures that a person younger than 19 years of age may not be:
 - (A) present at any time; or
 - (B) permitted to enter at any time; and
- (vi) the cigarette rolling machine operator may not barter, distribute, exchange, offer, or sell cigarettes produced from a cigarette rolling machine in a quantity of less than 20 cigarettes per retail transaction.
- (6) If the commission determines that a cigarette rolling machine operator meets the requirements for certification or renewal of certification under this section, the commission shall grant the certification or renewal of certification.
- (7) If the commission determines that a cigarette rolling machine operator does not meet the requirements for certification or renewal of certification under this section, the commission shall:
 - (a) deny the certification or renewal of certification; and
 - (b) provide the cigarette rolling machine operator the grounds for denial of the certification or renewal of certification in writing.

Enacted by Chapter 148, 2013 General Session