

76-10-111 Prohibition of gift or free distribution of smokeless tobacco or electronic cigarettes -- Exceptions.

- (1) The Legislature finds that:
 - (a) smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who use those products because research indicates that they may cause mouth or oral cancers;
 - (b) the use of smokeless tobacco among juveniles in this state is increasing rapidly;
 - (c) the use of electronic cigarettes may lead to unhealthy behavior such as the use of tobacco products; and
 - (d) it is necessary to restrict the gift of the products described in this Subsection (1) in the interest of the health of the citizens of this state.
- (2) Except as provided in Subsection (3), it is unlawful for a manufacturer, wholesaler, and retailer to give or distribute without charge any smokeless tobacco, chewing tobacco, or electronic cigarette in this state. Any person who violates this section is guilty of a class C misdemeanor for the first offense, and is guilty of a class B misdemeanor for any subsequent offense.
- (3)
 - (a) Smokeless tobacco, chewing tobacco, or an electronic cigarette may be distributed to adults without charge at professional conventions where the general public is excluded.
 - (b) Subsection (2) does not apply to a retailer, manufacturer, or distributor who gives smokeless tobacco, chewing tobacco, or an electronic cigarette to a person of legal age upon the person's purchase of another tobacco product or electronic cigarette.

Amended by Chapter 114, 2010 General Session