Effective 5/7/2025

Part 11
Cigarettes, Tobacco, and Psychotoxic Chemical Solvents

76-9-1101 Definitions.

As used in this part:

(1)

(a) "Alternative nicotine product" means a product, other than a cigarette, a counterfeit cigarette, an electronic cigarette product, a nontherapeutic nicotine product, or a tobacco product, that:

(i) contains nicotine;

(ii) is intended for human consumption;

(iii) is not purchased with a prescription from a licensed physician; and

(iv) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

(b) "Alternative nicotine product" includes:

(i) pure nicotine;

(ii) snortable nicotine;

(iii) dissolvable salts, orbs, pellets, sticks, or strips; and

(iv) nicotine-laced food and beverage.

(c) "Alternative nicotine product" does not include a fruit, a vegetable, or a tea that contains naturally occurring nicotine.

(2) "Cigar" means a product that contains nicotine, is intended to be burned under ordinary conditions of use, and consists of any roll of tobacco wrapped in leaf tobacco, or in any substance containing tobacco, other than any roll of tobacco that is a cigarette.

(3) "Cigarette" means a product that contains nicotine, is intended to be heated or burned under ordinary conditions of use, and consists of:

(a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(b) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in Subsection (4)(a).

(4)

(a) "Electronic cigarette" means:

(i) an electronic oral device:

(A) that provides an aerosol or a vapor of nicotine or other substance; and

(B) that simulates smoking through the use or inhalation of the device;

(ii) a component of the device described in Subsection (4)(a)(i); or

(iii) an accessory sold in the same package as the device described in Subsection (4)(a)(i).

(b) "Electronic cigarette" includes an oral device that is:

(i) composed of a heating element, battery, or electronic circuit; and

(ii) marketed, manufactured, distributed, or sold as:

(A) an e-cigarette;

(B) an e-cigar;

(C) an e-pipe; or

(D) any other product name or descriptor, if the function of the product meets the definition of Subsection (4)(a).

(c) "Electronic cigarette" does not mean a medical cannabis device, as that term is defined in Section 26B-4-201.

(5)
(a) "Electronic cigarette product" means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette.
(b) "Electronic cigarette product" includes a non-nicotine inhalation product and a non-nicotine inhalation substance.
(6) "Electronic cigarette substance" means any substance containing nicotine that is used or intended for use in an electronic cigarette.
(7)
(a) "Flavored electronic cigarette product" means an electronic cigarette product that has a taste or smell that is distinguishable by an ordinary consumer either before or during use or consumption of the electronic cigarette product.
(b) "Flavored electronic cigarette product" includes an electronic cigarette product that is labeled as, or has a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, spice, or mint.
(c) "Flavored electronic cigarette product" does not include an electronic cigarette product that has a taste or smell of only tobacco or menthol.
(8) "Nicotine" means:
(a) a poisonous, nitrogen containing chemical that is made synthetically or derived from tobacco or other plants; or
(b) a nicotine analog.
(9) "Nicotine product" means an alternative nicotine product or a nontherapeutic nicotine product.
(10)
(a) "Non-nicotine inhalation product" means a product that:
(i) is a manufacturer sealed prefilled electronic cigarette that the manufacturer does not intend for a consumer to open;
(ii) contains a substance other than nicotine;
(iii) is designed specifically to be used with an electronic cigarette to produce an aerosol or vapor of the substance described in Subsection (10)(a)(ii);
(iv) does not contain a cannabinoid; and
(v) does not contain nicotine.
(b) "Non-nicotine inhalation product" includes a product that contains a vitamin, mineral, dietary supplement, or an alkaloid.
(c) "Non-nicotine inhalation product" does not include:
(i) a product that the manufacturer did not design to be placed directly on an individual's mouth to simulate smoking; or
(ii) a medical cannabis device, as that term is defined in Section 26B-4-201.
(11) "Non-nicotine inhalation substance" means any substance not containing nicotine or a cannabinoid that is used or intended for use in an electronic cigarette.
(12)
(a) "Nontherapeutic nicotine device" means a device that:
(i) has a pressurized canister that is used to administer nicotine to the user through inhalation or intranasally;
(ii) is not purchased with a prescription from a licensed physician; and
(iii) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.
(b) "Nontherapeutic nicotine device" includes a nontherapeutic nicotine inhaler or a nontherapeutic nicotine nasal spray.
(13) "Nontherapeutic nicotine device substance" means a substance that:

(a) contains nicotine;
(b) is sold in a cartridge for use in a nontherapeutic nicotine device;
(c) is not purchased with a prescription from a licensed physician; and
(d) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

(14) "Nontherapeutic nicotine product" means a nontherapeutic nicotine device, a nontherapeutic nicotine device substance, or a prefilled nontherapeutic nicotine device.

(15) "Place of business" includes:
(a) a shop;
(b) a store;
(c) a factory;
(d) a public garage;
(e) an office;
(f) a theater;
(g) a recreation hall;
(h) a dance hall;
(i) a poolroom;
(j) a cafe;
(k) a cafeteria;
(l) a cabaret;
(m) a restaurant;
(n) a hotel;
(o) a lodging house;
(p) a streetcar;
(q) a bus;
(r) an interurban or railway passenger coach;
(s) a waiting room; and
(t) any other place of business.

(16) "Prefilled electronic cigarette" means an electronic cigarette that is sold prefilled with an electronic cigarette substance.

(17) "Prefilled nontherapeutic nicotine device" means a nontherapeutic nicotine device that is sold prefilled with a nontherapeutic nicotine device substance.

(18) "Premarket authorized or pending electronic cigarette product" means an electronic cigarette product that:
(a)
(i) has been approved by an order granting a premarket tobacco product application of the electronic cigarette product by the United States Food and Drug Administration under 21 U.S.C. Sec. 387j(c)(1)(A)(i); or
(ii)
(A) was marketed in the United States on or before August 8, 2016;
(B) the manufacturer submitted a premarket tobacco product application for the electronic cigarette product to the United States Food and Drug Administration under 21 U.S.C. Sec. 387j on or before September 9, 2020; and
(C) has an application described in Subsection (18)(a)(ii) that either remains under review by the United States Food and Drug Administration or a final decision on the application has not taken effect; and
(b) does not exceed:
(i) 4.0% nicotine by weight per container; or

(ii) a nicotine concentration of 40 milligrams per milliliter.
(19) "Retail tobacco specialty business" means the same as that term is defined in Section 26B-7-501.
(20) "Smoking" means the possession of any lighted cigar, cigarette, pipe, or other lighted smoking equipment.
(21)
(a) "Tobacco paraphernalia" means equipment, product, or material of any kind that is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a tobacco product, an electronic cigarette substance, or a nontherapeutic nicotine device substance into the human body.
(b) "Tobacco paraphernalia" includes:
(i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
(ii) water pipes;
(iii) carburetion tubes and devices;
(iv) smoking and carburetion masks;
(v) roach clips, meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand;
(vi) chamber pipes;
(vii) carburetor pipes;
(viii) electric pipes;
(ix) air-driven pipes;
(x) chillums;
(xi) bongs; and
(xii) ice pipes or chillers.
(c) "Tobacco paraphernalia" does not include matches or lighters.
(22) "Tobacco product" means:
(a) a cigar;
(b) a cigarette; or
(c) tobacco in any form, including:
(i) chewing tobacco; and
(ii) any substitute for tobacco, including flavoring or additives to tobacco.
(23) "Tobacco retailer" means:
(a) a general tobacco retailer, as that term is defined in Section 26B-7-501; or
(b) a retail tobacco specialty business.

Amended by Chapter 308, 2026 General Session

76-9-1102 Cigarette, electronic cigarette, nicotine product, or tobacco advertising violation.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits cigarette or tobacco advertising violation if the actor displays on a billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, an advertisement of cigarettes, electronic cigarette products, cigarette papers, cigars, chewing tobacco, nicotine products, or smoking tobacco or any disguise or substitute of cigarettes, cigarette papers, tobacco, or cigars.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)

(a) A dealer of cigarettes, electronic cigarette products, cigarette papers, tobacco, cigars, nicotine products, or a substitute for cigarettes, cigarette papers, tobacco, or cigars may have a sign on the front of the dealer's place of business stating that the dealer is a dealer of cigarettes, electronic cigarette products, cigarette papers, tobacco, cigars, nicotine products, or a substitute for cigarettes, cigarette papers, tobacco, or cigars.
(b) This section does not prohibit the advertisement of an item listed in Subsection (4)(a) in a newspaper, magazine or periodical printed or circulating in this state.

Amended by Chapter 420, 2026 General Session

76-9-1103 Permitting a minor to use a tobacco product, electronic cigarette product, or nicotine product in a place of business.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits permitting a minor to use a tobacco product, electronic cigarette product, or nicotine product in a place of business if the actor:
(a) is a proprietor of a place of business; and
(b) knowingly permits an individual under 21 years old to frequent the actor's place of business while the individual is using a tobacco product, an electronic cigarette product, or a nicotine product.
(3) A violation of Subsection (2) is a class C misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1104 Providing a cigar, a cigarette, an electronic cigarette product, a nicotine product, or tobacco to a minor.

(1)
(a) As used in this section, "provides":
(i) includes selling, giving, furnishing, sending, or causing to be sent; and
(ii) does not include the acts:
(A) of the United States Postal Service or other common carrier when engaged in the business of transporting and delivering packages for others; or
(B) of a person, whether compensated or not, who transports or delivers a package for another person without any reason to know of the package's content.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits providing a cigar, cigarette, electronic cigarette product, nicotine product, or tobacco to a minor if the actor knowingly, intentionally, recklessly, or with criminal negligence provides a tobacco product, an electronic cigarette product, or a nicotine product to an individual who is under 21 years old.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense;
(b) a class B misdemeanor on the second offense; or
(c) a class A misdemeanor on the third or subsequent offense.
(4) This section does not apply to conduct of an employee of a tobacco retailer that is a violation of Section 76-9-1116.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1105 Providing tobacco paraphernalia to a minor.

(1)
(a) As used in this section, "provides" means the same as that term is defined in Section 76-9-1104.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits providing tobacco paraphernalia to a minor if the actor knowingly, intentionally, recklessly, or with criminal negligence provide tobacco paraphernalia to an individual under 21 years old.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1106 Buying or possessing a tobacco product or an electronic cigarette product by a minor.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits buying or possessing a tobacco product or an electronic cigarette product by a minor if the actor:
(a) is younger than 21 years old; and
(b) buys or attempts to buy, accepts, or has in the actor's possession a tobacco product, an electronic cigarette product, or a nicotine product.
(3)
(a) If the actor is 18 years old or older but younger than 21 years old, a violation of Subsection (2) is:
(i) an infraction; and
(ii) subject to:
(A) a minimum fine or penalty of $60; and
(B) participation in a court-approved tobacco education or cessation program, which may include a participation fee.
(b) If the actor is under 18 years old, a violation of Subsection (2) is a citation under Section 80-6-302, unless the violation is committed on school property under Section 53G-8-211.
(c) If a violation under this section is adjudicated under Section 80-6-701, the minor may be subject to the following:
(i) a fine or penalty, in accordance with Section 80-6-709; and
(ii) participation in a court-approved tobacco education program, which may include a participation fee.
(4)
(a) A compliance officer appointed by a board of education under Section 53G-4-402 may not issue a citation for a violation of this section committed on school property.
(b) A cited violation committed on school property shall be addressed in accordance with Section 53G-8-211.

Renumbered and Amended by Chapter 173, 2025 General Session

Superseded 1/1/2027
76-9-1107 Illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product.
(1)

(a) As used in this section:
(i)
(A) "Face-to-face exchange" means a transaction made in person between an individual and a retailer or retailer's employee.
(B) "Face-to-face exchange" does not include a sale through a vending machine or a self-service display.
(ii) "Retailer" means a person who:
(A) sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual for personal consumption; or
(B) operates a facility with a vending machine that sells a tobacco product, an electronic cigarette product, or a nicotine product.
(iii) "Self-service display" means a display of a tobacco product, an electronic cigarette product, or a nicotine product to which the public has access without the intervention of a retailer or retailer's employee.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product if the actor:
(a) is a retailer; and
(b) sells a tobacco product, an electronic cigarette product, or a nicotine product in a manner that does not include a face-to-face exchange.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense;
(b) a class B misdemeanor on the second offense; or
(c) a class A misdemeanor on the third or subsequent offense.
(4) The face-to-face sale requirement in Subsection (2) does not apply to:
(a) a mail-order, telephone, or Internet sale made in compliance with Section 59-14-509;
(b) a sale from a vending machine or self-service display that is located in an area of a retailer's facility:
(i) that is distinct and separate from the rest of the facility; and
(ii) where the retailer only allows an individual who is under 21 years old to be present if the individual:
(A) is accompanied by the actor's parent or legal guardian; or
(B)
(I) is present solely for the purpose of providing a service to the business, including making a delivery;
(II) is monitored by the proprietor business or an employee of the business; and
(III) is not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(ii)(B)(II); or
(c) a sale at a retail tobacco specialty business.
(5)
(a) An individual's parent or legal guardian who accompanies an individual into an area described in Subsection (4)(b)(ii)(A) may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.
(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Renumbered and Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-9-1107 Illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product.

(1)
(a) As used in this section:
(i)
(A) "Face-to-face exchange" means a transaction made in person between an individual and a retailer or retailer's employee.
(B) "Face-to-face exchange" does not include a sale through a vending machine or a self-service display.
(ii) "Retailer" means a person who:
(A) sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual for personal consumption; or
(B) operates a facility with a vending machine that sells a tobacco product, an electronic cigarette product, or a nicotine product.
(iii) "Self-service display" means a display of a tobacco product, an electronic cigarette product, or a nicotine product to which the public has access without the intervention of a retailer or retailer's employee.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product if the actor:
(a) is a retailer; and
(b) sells a tobacco product, an electronic cigarette product, or a nicotine product in a manner that does not include a face-to-face exchange.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense;
(b) a class B misdemeanor on the second offense; or
(c) a class A misdemeanor on the third or subsequent offense.
(4) The face-to-face sale requirement in Subsection (2) does not apply to:
(a) a mail-order, telephone, or internet sale made in compliance with Section 59-14-509 or a remote retail sale, as defined in Section 59-14-901, of a cigar or pipe tobacco made in compliance with Section 59-14-902;
(b) a sale from a vending machine or self-service display that is located in an area of a retailer's facility:
(i) that is distinct and separate from the rest of the facility; and
(ii) where the retailer only allows an individual who is under 21 years old to be present if the individual:
(A) is accompanied by the actor's parent or legal guardian; or
(B)
(I) is present solely for the purpose of providing a service to the business, including making a delivery;
(II) is monitored by the proprietor business or an employee of the business; and
(III) is not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(ii)(B)(II); or
(c) a sale at a retail tobacco specialty business.
(5)
(a) An individual's parent or legal guardian who accompanies an individual into an area described in Subsection (4)(b)(ii)(A) may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.

(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Amended by Chapter 321, 2026 General Session

76-9-1108 Illegal presence of a minor inside a tobacco specialty business.

(1)
(a) As used in this section, "self-service display" means the same as that term is defined in Section 76-9-1107.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal presence of a minor inside a tobacco specialty business if the actor:
(a) is under 21 years old; and
(b) enters or is present inside a retail tobacco specialty business.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense;
(b) a class B misdemeanor on the second offense; or
(c) a class A misdemeanor on the third or subsequent offense.
(4) An actor under 21 years old may enter or be present inside a tobacco specialty business if the actor is:
(a) accompanied by the actor's parent or legal guardian; or
(b)
(i) present at the retail tobacco specialty business solely for the purpose of providing a service to the tobacco retail specialty business, including making a delivery;
(ii) monitored by the proprietor of the retail tobacco specialty business or an employee of the retail tobacco specialty business; and
(iii) not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(i).
(5)
(a) An individual's parent or legal guardian who accompanies an individual under Subsection (4)(a) inside a tobacco specialty business may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.
(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Enacted by Chapter 173, 2025 General Session

76-9-1109 Illegal sale or gift of clove cigarette.

(1)
(a) As used in this section, "clove cigarette" means a cigarette that contains more than 10%, by weight, of raw eugenia caryophyllata or caryophyllus, commonly known as clove.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits illegal sale or gift of clove cigarette if the actor knowingly sells, offers for sale, gives, or furnishes a clove cigarette in this state.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1110 Abuse of psychotoxic chemical solvent.

(1)

(a) As used in this section, "psychotoxic chemical solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds:
(i) acetone and acetate;
(ii) amyl nitrite or amyl nitrate or their isomers;
(iii) benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers;
(iv) ethyl alcohol, ethyl nitrite, or ethyl nitrate;
(v) ethylene dichloride;
(vi) isobutyl alcohol;
(vii) methyl alcohol;
(viii) methyl ethyl ketone;
(ix) n-propyl alcohol;
(x) pentachlorophenol;
(xi) petroleum ether;
(xii) propyl nitrite or propyl nitrate or their isomers;
(xiii) toluene;
(xiv) xylene; or
(xv) another chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits abuse of psychotoxic chemical solvent if:
(a) for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the actor's brain or nervous system, the actor intentionally:
(i) smells or inhales the fumes of a psychotoxic chemical solvent; or
(ii) possesses, purchases, or attempts to possess or purchase a psychotoxic chemical solvent; or
(b) the actor offers, sells, or provides a psychotoxic chemical solvent to another person, knowing that other person or a third party intends to possess or use that psychotoxic chemical solvent in violation of Subsection (2)(a).
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to:
(a) the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a medical or dental purpose; or
(b) a controlled substance regulated by the provisions of Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances.

Amended by Chapter 362, 2026 General Session

76-9-1111 Abuse of nitrous oxide.
(1)
(a) As used in this section, "nitrous oxide" means:
(i) N2O, a colorless gas or liquid that is also referred to as dinitrogen monoxide, nitrogen oxide, or laughing gas; or
(ii) any substance containing nitrous oxide.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits abuse of nitrous oxide if the actor:

(a) possesses nitrous oxide with the intent to breathe, inhale, or ingest the nitrous oxide for the purpose of:
(i) causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or
(ii) in any manner changing, distorting, or disturbing the audio, visual, or mental processes;
(b) knowingly or intentionally is under the influence of nitrous oxide; or
(c) offers, sells, or provides nitrous oxide to another person, knowing that other person or a third party intends to possess or use the nitrous oxide in violation of Subsection (2)(a) or (b).
(3) A violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Subsection (2)(b) does not apply to any person who is under the influence of nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person holding a license under state law that authorizes the administration of nitrous oxide.
(b) Subsection (2)(c) does not apply to any person who:
(i) administers nitrous oxide for the purpose of medical, surgical, or dental care; and
(ii) holds a license under state law that authorizes the administration of nitrous oxide.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1112 Illegal provision of smokeless tobacco or electronic cigarette product -- Exceptions.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal provision of smokeless tobacco or electronic cigarette product if the actor:
(a) is a manufacturer, wholesaler, and retailer ; and
(b)
(i) gives or distributes without charge smokeless tobacco, chewing tobacco, or an electronic cigarette product in this state;
(ii) sells, offers for sale, or furnishes an electronic cigarette product at less than the cost, including the amount of any applicable tax, of the product to the manufacturer, wholesaler, or retailer; or
(iii) gives, distributes, sells, offers for sale, or furnishes an electronic cigarette product for free or at a lower price because the recipient of the electronic cigarette product makes another purchase.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.
(4)
(a) The price that a manufacturer, wholesaler, or retailer may charge under Subsection (2)(b)(ii) does not include a discount for:
(i) a physical manufacturer coupon:
(A) that is surrendered to the wholesaler or retailer at the time of sale; and
(B) for which the manufacturer will reimburse the wholesaler or the retailer for the full amount of the discount described in the manufacturer coupon and provided to the purchaser;
(ii) a rebate that will be paid to the manufacturer, the wholesaler, or the retailer for the full amount of the rebate provided to the purchaser; or
(iii) a promotional fund that will be paid to the manufacturer, the wholesaler, or the retailer for the full amount of the promotional fund provided to the purchaser.

(b) Smokeless tobacco, chewing tobacco, or an electronic cigarette product may be distributed to adults without charge at professional conventions where the general public is excluded.

(5) 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 cigarette products 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 section in the interest of the health of the citizens of this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1113 Illegal distribution of a tobacco product -- Exceptions.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) Except as provided in Subsection (4), an actor commits illegal distribution of a tobacco product if the actor:

(a) is a manufacturer, wholesaler, or retailer; and

(b) gives or distributes a tobacco product in this state without charge.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense; or

(b) a class B misdemeanor on a subsequent offense.

(4)

(a) A tobacco product may be distributed to an adult without charge at a professional convention where the general public is excluded.

(b) The prohibition described in Subsection (2) does not apply to a tobacco retailer, a manufacturer, or a distributor that gives a tobacco product to an individual who is 21 years old or older upon the individual's purchase of a tobacco product.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1114 Illegal distribution of a flavored electronic cigarette product.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) An actor commits illegal distribution of a flavored electronic cigarette product if the actor gives, distributes, sells, offers for sale, or furnishes to any person a flavored electronic cigarette product.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense; or

(b) a class B misdemeanor on a subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1115 Illegal distribution of an electronic cigarette product without federal authorization.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) An actor commits illegal distribution of an electronic cigarette product without federal authorization if the actor gives, distributes, sells, offers for sale, or furnishes to any person an electronic cigarette product that is not a premarket authorized or pending electronic cigarette product.

(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.

Enacted by Chapter 173, 2025 General Session

76-9-1116 Unlawful sale of a tobacco product, electronic cigarette product, or nicotine product.

(1)
(a) As used in this section:
(i) "Compensatory service" means service or unpaid work performed by an employee, in lieu of the payment of a fine or imprisonment.
(ii) "Employee" means an employee or an owner of a tobacco retailer.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits unlawful sale of a tobacco product, electronic cigarette product, or nicotine product if the actor:
(a) is an employee; and
(b) with criminal negligence, sells or gives a tobacco product, an electronic cigarette product, or a nicotine product in the course of business to an individual younger than 21 years old.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 420, 2026 General Session

76-9-1117 Unlawful transfer of proof of age.

(1)
(a) As used in this section:
(i) "Proof of age" means:
(A) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
(B) a valid identification that:
(I) is substantially similar to an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
(II) is issued in accordance with the laws of a state other than Utah in which the identification is issued;
(III) includes date of birth; and
(IV) has a picture affixed;
(C) a valid driver license certificate that is issued under Title 53, Chapter 3, Uniform Driver License Act, or in accordance with the laws of the state in which the valid driver license is issued;
(D) a valid United States military identification card that:
(I) includes date of birth; and
(II) has a picture affixed; or
(E) a valid passport.
(ii) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits unlawful transfer of proof of age if the actor intentionally or knowingly transfers the actor's proof of age to another individual to aid that individual in:

(a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product; or
(b) gaining admittance to any part of the premises of a retail tobacco specialty business.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Subsection (2) does not apply to an individual who uses a false identification in accordance with Subsection 77-39-101(4) at the request of a peace officer.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1118 Unlawful use of proof of age containing false information.
(1)
(a) As used in this section, "proof of age" means the same as that term is defined in Section 76-9-1117.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits unlawful use of proof of age containing false information if the actor intentionally or knowingly uses proof of age containing false information with the intent to:
(a) purchase a tobacco product, an electronic cigarette product, or a nicotine product; or
(b) gain admittance to any part of the premises of a retail tobacco specialty business.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Subsection (2) does not apply to an individual who uses a false identification in accordance with Subsection 77-39-101(4) at the request of a peace officer.

Enacted by Chapter 173, 2025 General Session

76-9-1119 Ordinances, rules, and regulations.
(1) Except as provided in Subsection (2) or (3), an ordinance, rule, or regulation adopted by a governing body of a political subdivision of the state or a state agency is superseded if:
(a) the ordinance, rule, or regulation affects:
(i) the minimum age of sale for a tobacco product, an electronic cigarette product, or tobacco paraphernalia;
(ii) the provision or sale of a tobacco product, an electronic cigarette product, or tobacco paraphernalia;
(iii) the flavoring of a tobacco product or an electronic cigarette product;
(iv) the purchase or possession of a tobacco product, an electronic cigarette product, or tobacco paraphernalia; or
(v) the placement or display of a tobacco product or an electronic cigarette product; and
(b) the ordinance, rule, or regulation is not essentially identical to a state statute relating to the applicable subject described in Subsection (1)(a).
(2) A governing body of a political subdivision of the state or a state agency may adopt an ordinance, rule, or regulation on a subject described in Subsections (1)(a)(i) through (v) if the governing body of a political subdivision of the state or a state agency is authorized by statute to adopt the ordinance, rule, or regulation.
(3) Subsection (1) does not apply to the adoption or enforcement of a land use ordinance by a municipal or county government.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1120 Unlawful sale of a cannabinoid inhalation product or a cannabinoid inhalation substance.

(1) As used in this section:
(a) "Cannabinoid inhalation product" means an electronic cigarette that contains a cannabinoid.
(b) "Cannabinoid inhalation substance" means a substance containing a cannabinoid that is used or intended for use in an electronic cigarette.
(c) "Compensatory service" means service or unpaid work performed by an employee, in lieu of the payment of a fine or imprisonment.
(d) "Employee" means an employee or an owner of a retailer.
(2) An actor commits unlawful sale of a cannabinoid inhalation product or a cannabinoid inhalation substance if the actor:
(a) is an employee; and
(b) intentionally or knowingly sells or gives a cannabinoid inhalation product or a cannabinoid inhalation substance in the course of business to an individual.
(3) A violation of Subsection (2) is:
(a) on a first violation:
(i) a class C misdemeanor; and
(ii) subject to:
(A) a fine not exceeding $1,000; or
(B) compensatory service; or
(b) on a subsequent violation:
(i) a class B misdemeanor; and
(ii) subject to:
(A) a fine not exceeding $2,000; or
(B) compensatory service.
(4) This section does not prohibit or restrict the sale of medical cannabis or a medical cannabis device if done in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies.

Enacted by Chapter 308, 2026 General Session