

1 (b) the governing body of the city or town if the premises are located in an incorporated
2 city or town.

3 (3) "Retailer" means the holder of a permit issued by a local authority to allow the holder
4 to engage in the sale of tobacco products to consumers.

5 (4) "School" means a public or private elementary or secondary school.

6 (5) "Tobacco products" means all products made of, or containing tobacco, including
7 cigarettes, that are intended for smoking, inhaling, chewing, or any other form of ingestion.

8 Section 2. Section **32B-1-102** is enacted to read:

9 **32B-1-102. Local permitting for sale of tobacco products.**

10 (1) A local authority may:

11 (a) require a permit for the retail sale of tobacco products and may issue, renew, suspend,
12 and revoke the permit based on enacted local ordinances; and

13 (b) otherwise regulate the retail sale of tobacco products consistent with regulations of the
14 federal Food and Drug Administration.

15 (2) A local authority's suspension or revocation of a permit issued under this section
16 prohibits the retailer whose permit is suspended or revoked from continuing to operate under any
17 other license, permit, or other authority granted by the local authority or the state.

18 (3) Upon the approval of a waiver application submitted in accordance with Subsection
19 (4), a local authority may not grant a permit under this chapter to sell tobacco products within the
20 proximity of any church or school. The local authority shall define the proximity and shall apply
21 the definition in a uniform and consistent manner.

22 (4) The Department of Health shall submit an application before July 1, 1998, to the
23 federal Food and Drug Administration requesting the waiver of any federal regulation which may
24 prevent the state or a local authority from prohibiting the sale of tobacco within the proximity of
25 a church or school in the manner provided for in Subsection (3).

26 Section 3. Section **32B-1-103** is enacted to read:

27 **32B-1-103. Effect of chapter.**

28 This chapter does not affect the state taxation, licensure, or regulation of tobacco products
29 under Title 59, Chapter 14, Cigarette and Tobacco Tax and Licensing Act, or Title 76, Chapter 10,
30 Part 1, Cigarettes and Tobacco and Psychotoxic Chemical Solvents.

Legislative Review Note
as of 1-26-98 1:54 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel