



# UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL  
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

February 11, 2010

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 88**, ELECTRONIC CIGARETTE RESTRICTIONS, by Representative R. Menlove, with the following amendments:

1. *Page 2, Lines 36 through 37:*

36 criminal penalties for violation of those prohibitions; and  
37 { ~~→ addresses advertising requirements relating to electronic cigarettes;~~  
and }

2. *Page 2, Line 54:*

54 { ~~76-10-112, as enacted by Laws of Utah 1989, Chapter 193~~ }

3. *Page 15, Line 450 through Page 16, Line 466:*

450 { ~~Section 10. Section 76-10-112 is amended to read:~~  
451 ~~76-10-112. Prohibition of distribution of electronic cigarettes, cigarettes, or~~  
other  
452 tobacco products -- Exceptions:  
453 ~~—(1) Except as provided in Subsection (2), it is unlawful for a manufacturer,~~  
wholesaler,  
454 or retailer to give or distribute electronic cigarettes, cigarettes, or other tobacco

Bill Number



HB0088

Action Class



S

Action Code



SCRAMD

products in this

455 ~~state without charge. Any person who violates this subsection is guilty of a class C~~  
456 ~~misdemeanor for the first offense and a class B misdemeanor for any subsequent offense.~~  
457 ~~— (2) [Cigarettes] Electronic cigarettes, cigarettes, and other tobacco products may be~~  
458 ~~distributed to adults without charge at professional conventions where the general public is~~  
459 ~~excluded.~~  
460 ~~— (3) The prohibition described in Subsection (1) does not apply to [retailers,~~  
461 ~~manufacturers, or distributors who give cigarettes or other tobacco products to persons of legal~~  
462 ~~age upon their purchase of cigarettes or other tobacco products.] a retailer, manufacturer, or~~  
463 ~~distributor who gives electronic cigarettes, cigarettes, or other tobacco products to a person of~~  
464 ~~legal age upon the person's purchase of an electronic cigarette, cigarettes, or another tobacco~~  
465 ~~product. }~~

466 Section {~~H~~} 10 . Section ~~77-39-101~~ is amended to read:

Respectfully,

D. Chris Buttars  
Committee Chair

Voting: 4-0-2

3 HB0088.SCI.WPD markandrews/MDA TRV/MDA 2/11/10 10:43 am

Bill Number



HB0088

Action Class



S

Action Code



SCRAMD