

88 entity that ~~[conducts]~~ obtained a license as a retail tobacco specialty business in a municipality
 89 ~~[shall be licensed by the municipality as a retail tobacco specialty business]~~ before July 1,
 90 2017, or is operating under an exemption under Subsection (8) shall, on or before January 1,
 91 2018, obtain a permit from a local health department under Title 26, Chapter 59, Tobacco
 92 Retail Permit.

93 (5) (a) A municipality may not issue a license to a retail tobacco specialty business if it
 94 is located within:

- 95 (i) 1,000 feet of a community location;
- 96 (ii) 600 feet of another retail tobacco specialty business; or
- 97 (iii) 600 feet from property used or zoned for:
 - 98 (A) agriculture use; or
 - 99 (B) residential use.

100 (b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in
 101 a straight line from the nearest entrance of the retail tobacco specialty business to the nearest
 102 property boundary of the community location, or agricultural or residential use, without regard
 103 to intervening structures or zoning districts.

104 (6) (a) Beginning July 1, 2017, a \$→ [county] municipality ←\$ may not issue a license to
 104a an applicant for a
 105 retail tobacco specialty business until the applicant provides the \$→ [county] municipality ←\$
 105a with:

106 (i) a permit for a retail tobacco specialty business issued under Title 26, Chapter 59,
 107 Tobacco Retail Permit by the local health department in which the retail tobacco specialty
 108 business is located; and

109 (ii) a license to sell tobacco products from the State Tax Commission.

110 (b) A retail tobacco specialty business that does not have a permit under Subsection (4)
 111 or (6)(a):

112 (i) shall keep tobacco products and tobacco paraphernalia from public view;

113 (ii) may not display any advertisement related to tobacco or tobacco paraphernalia that
 114 promotes the sale, distribution, or use of such products; and

115 (iii) may not sell, offer for sale, or offer to exchange for any form of consideration,
 116 tobacco, tobacco products, or tobacco paraphernalia.

117 ~~[(6)]~~ (7) (a) Nothing in this section:

118 (i) requires a municipality to issue a business license to a retail tobacco specialty