

553 allow the individual to purchase a cigarette, tobacco, or an electronic cigarette.

554 (6) A violation of Subsection (2) or (4) is a:

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

556 (b) class B misdemeanor on the second offense; and

557 (c) class A misdemeanor on the third and all subsequent offenses.

558 (7) An individual who violates Subsection (5) is guilty of providing tobacco to a minor
559 under Section 76-10-104.

560 (8) (a) ~~[Any]~~ An ordinance, regulation, or rule adopted by the governing body of a
561 political subdivision of the state or by a state agency that affects the sale, wholesale distribution
562 placement, purchase, marketing, or display of cigarettes, tobacco, or electronic cigarettes,
563 including flavors, that is not essentially identical to ~~[the provisions of]~~ this section and Section
564 76-10-102 is superseded.

565 (b) Subsection (8)(a) does not apply to the adoption or enforcement of a land use
566 ordinance by a municipal or county government.

567 (9) (a) This part does not apply to the sale, supply, gift, furnishment, or possession of a
568 cigar, cigarette, electronic cigarette, tobacco, or tobacco paraphernalia to an individual who is
569 18 years old or older and is:

570 (i) on active duty in the United States Armed Forces; or

571 (ii) a spouse or dependent of an individual who is on active duty in the United States
572 Armed Forces.

573 (b) A valid, government-issued military identification card is required to verify proof
574 of age under Subsection (9)(a).

575 Section 14. Section **76-10-105.2** is enacted to read:

576 **76-10-105.2. Ordinances, rules, and regulations on minimum age.**

577 **Ĥ→ (1) ←Ĥ A governing body of a political subdivision of the state or a state agency may**
577a **not adopt**

578 **an ordinance, regulation, or rule that affects the minimum age of sale, supply, purchase, gift,**

579 **furnishment, or possession of a cigar, cigarette, electronic cigarette, tobacco, or tobacco**

580 **paraphernalia.**

580a **Ĥ→ (2) An ordinance, regulation, or rule that affects the minimum age of sale, supply,**
580b **purchase, gift, furnishment, or possession of a cigar, cigarette, electronic cigarette, tobacco, or**
580c **tobacco paraphernalia enacted or adopted by a governing body of a political subdivision of the**
580d **state or by a state agency is invalid. ←Ĥ**

581 Section 15. Section **77-39-101** is amended to read:

582 **77-39-101. Investigation of sales of alcohol, tobacco, and electronic smoking**
583 **devices to underage individuals.**