

119 business is located within:

- 120 (i) 1,000 feet of a community location;
- 121 (ii) 600 feet of another retail tobacco specialty business; or
- 122 (iii) 600 feet from property used or zoned for:
 - 123 (A) agriculture use; or
 - 124 (B) residential use.

125 (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in
 126 a straight line from the nearest entrance of the retail tobacco specialty business to the nearest
 127 property boundary of a location described in Subsections (4)(a)(i) through (iii), without regard
 128 to intervening structures or zoning districts.

129 (5) (a) Except as provided in Subsection (5)(b), beginning July 1, 2018, a municipality
 130 may not issue or renew a license for a person to conduct business as a retail tobacco specialty
 131 business until the person provides the municipality with proof that the retail tobacco specialty
 132 business has:

- 133 (i) a valid permit for a retail tobacco specialty business issued under Title 26, Chapter
 134 62, Tobacco Retail Permit, by the local health department having jurisdiction over the area in
 135 which the retail tobacco specialty business is located; and
- 136 (ii) a valid license to sell tobacco products from the State Tax Commission.

137 (b) A person that was licensed to conduct business as a retail tobacco specialty
 138 business in a municipality before July 1, 2018, shall obtain a permit from a local health
 139 department under Title 26, Chapter 62, Tobacco Retail Permit, on or before January 1, 2019.

140 (6) (a) Nothing in this section:

- 141 (i) requires a municipality to issue a retail tobacco specialty business license; or
- 142 (ii) prohibits a municipality from adopting more restrictive requirements on a person
 143 seeking a license or renewal of a license to conduct business as a retail tobacco specialty
 144 business.

145 (b) A municipality may suspend or revoke a retail tobacco specialty business license
 146 issued under this section:

- 147 (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10,
 148 Part 16, Pattern of Unlawful Activity Act;

149 (ii) if a licensee violates ~~[the regulations]~~ federal law ~~¶~~→ **[and]** or ~~←~~ ~~¶~~ regulations
 149a restricting the

150 sale and distribution of [~~cigarettes and smokeless tobacco~~] tobacco products to protect children
 151 and adolescents ~~H→ [issued by the United States Food and Drug Administration, 21 C.F.R. Part~~
 152 ~~H40] ←H~~ ;

153 (iii) upon the recommendation of the department or a local health department under
 154 Title 26, Chapter 62, Tobacco Retail Permit; or

155 (iv) under any other provision of state law or local ordinance.

156 (7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has
 157 a business license and is operating in a municipality in accordance with all applicable laws
 158 except for the requirement in Subsection (4), on or before December 31, 2015, is exempt from
 159 Subsection (4).

160 (b) A retail tobacco specialty business may maintain an exemption under Subsection
 161 (7)(a) if:

162 (i) the retail tobacco specialty business license is renewed continuously without lapse
 163 or permanent revocation;

164 (ii) the retail tobacco specialty business does not close for business or otherwise
 165 suspend the sale of tobacco products for more than 60 consecutive days;

166 (iii) the retail tobacco specialty business does not substantially change the business
 167 premises or business operation; and

168 (iv) the retail tobacco specialty business maintains the right to operate under the terms
 169 of other applicable laws, including:

170 (A) Title 26, Chapter 38, Utah Indoor Clean Air Act;

171 (B) zoning ordinances;

172 (C) building codes; and

173 (D) the requirements of a retail tobacco specialty business license issued before
 174 December 31, 2015.

175 Section 2. Section **10-8-47 (Effective 07/01/20)** is amended to read:

176 **10-8-47 (Effective 07/01/20). Intoxication -- Fights -- Disorderly conduct --**

177 **Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and**

178 **fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, or tobacco to**

179 **minors -- Possession of controlled substances -- Treatment of alcoholics and narcotics or**

180 **drug addicts.**

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

275 (b) A person that was licensed to conduct business as a retail tobacco specialty
276 business in a county before July 1, 2018, shall obtain a permit from a local health department
277 under Title 26, Chapter 62, Tobacco Retail Permit, on or before January 1, 2019.

278 (6) (a) Nothing in this section:

279 (i) requires a county to issue a retail tobacco specialty business license; or

280 (ii) prohibits a county from adopting more restrictive requirements on a person seeking
281 a license or renewal of a license to conduct business as a retail tobacco specialty business.

282 (b) A county may suspend or revoke a retail tobacco specialty business license issued
283 under this section:

284 (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10,
285 Part 16, Pattern of Unlawful Activity Act;

286 (ii) if a licensee violates ~~[the regulations]~~ federal law ~~H→~~ **[and]** or ~~←H~~ regulations
286a restricting the

287 sale and distribution of ~~[cigarettes and smokeless tobacco]~~ tobacco products to protect children
288 and adolescents ~~H→~~ **[issued by the United States Food and Drug Administration, 21 C.F.R. Part**
289 **1140]** ~~←H~~ ;

290 (iii) upon the recommendation of the department or a local health department under
291 Title 26, Chapter 62, Tobacco Retail Permit; or

292 (iv) under any other provision of state law or local ordinance.

293 (7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has
294 a business license and is operating in a county in accordance with all applicable laws except for
295 the requirement in Subsection (4), on or before December 31, 2015, is exempt from Subsection
296 (4).

297 (b) A retail tobacco specialty business may maintain an exemption under Subsection
298 (7)(a) if:

299 (i) the retail tobacco specialty business license is renewed continuously without lapse
300 or permanent revocation;

301 (ii) the retail tobacco specialty business does not close for business or otherwise
302 suspend the sale of tobacco products for more than 60 consecutive days;

303 (iii) the retail tobacco specialty business does not substantially change the business
304 premises or business operation; and