the sale and distribution of [cigarettes and smokeless tobacco] tobacco products or electronic cigarette products to protect children and adolescents [issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140];

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

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

(7) (a) [In accordance with Subsection (7)(b)] Except as provided in Subsection (8), a retail tobacco specialty business that has a business license and is operating in a municipality in accordance with all applicable laws except for the requirement in Subsection (4), on or before December 31, [2015] 2018, is exempt from Subsection (4).

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

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

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

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

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

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

(B) zoning ordinances;

(C) building codes; and

(D) the requirements of a retail tobacco specialty business license issued before December 31, [2015] 2018.

(8) Beginning August 15, [2022] 2020, a retail tobacco specialty business that has a business license and is operating in a municipality may not be located within 1,000 feet of any school or a community college described in Subsection 53B-16-101(1)(b)(iii).

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

10-8-47 (Effective 07/01/20). Intoxication -- Fights -- Disorderly conduct -- Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and
Title 26, Chapter 62, Tobacco Retail Permit; or

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

(7) (a) Except as provided in Subsection (8), a retail tobacco specialty business that has a business license and is operating in a county in accordance with all applicable laws except for the requirement in Subsection (4), on or before December 31, [2015] 2018, is exempt from Subsection (4).

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

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

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

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

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

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

(B) zoning ordinances;

(C) building codes; and

(D) the requirements of a retail tobacco specialty business license issued before December 31, [2015] 2018.

(8) Beginning August 15, [2022], a retail tobacco specialty business that has a business license and is operating in a county may not be located within 1,000 feet of any school or a community college described in Subsection 53B-16-101(1)(b)(iii).

Section 4. Section 26-57-103 is amended to read:


(1) The department shall, in consultation with a local health department, as defined in Section 26A-1-102, and with input from members of the public, establish[... no later than January 1, 2016,] by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the standards for electronic cigarette substance: