

**Senator Kirk A. Cullimore** proposes the following substitute bill:

**RETAIL TOBACCO AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Evan J. Vickers

6	Cosponsors:	Brian S. King	Lawanna Shurtliff
7	Patrice M. Arent	Karen Kwan	Andrew Stoddard
8	Melissa G. Ballard	Carol Spackman Moss	Norman K. Thurston
9	Joel K. Briscoe	Derrin R. Owens	Steve Waldrip
10	Susan Duckworth	Lee B. Perry	Elizabeth Weight
11	Steve Eliason	Stephanie Pitcher	Mark A. Wheatley
12	Suzanne Harrison	Marie H. Poulson	Logan Wilde
13	Sandra Hollins	Paul Ray	Mike Winder
14	Eric K. Hutchings	Angela Romero	
	Marsha Judkins		

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16 **LONG TITLE**

17 **General Description:**

18 This bill amends provisions relating to the sale of certain tobacco products.

19 **Highlighted Provisions:**

20 This bill:

- 21 ▶ defines terms;
- 22 ▶ amends the definition of a retail tobacco specialty business to include any retailer
- 23 that sells a flavored electronic cigarette product;



- 24 ▶ authorizes regulation and testing of manufacturer sealed electronic cigarette
- 25 substances;
- 26 ▶ requires a tobacco retailer to maintain certain records;
- 27 ▶ prohibits a manufacturer, wholesaler, or retailer from providing certain discounts or
- 28 giveaways for tobacco products; and
- 29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a coordination clause.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **10-8-41.6**, as last amended by Laws of Utah 2018, Chapter 231
- 37 **17-50-333**, as last amended by Laws of Utah 2018, Chapter 231
- 38 **26-57-103**, as enacted by Laws of Utah 2015, Chapter 132
- 39 **76-10-111**, as last amended by Laws of Utah 2010, Chapter 114
- 40 **76-10-112**, as enacted by Laws of Utah 1989, Chapter 193

41 ENACTS:

42 **26-62-206**, Utah Code Annotated 1953

43 **Utah Code Sections Affected by Coordination Clause:**

- 44 **10-8-41.6**, as last amended by Laws of Utah 2018, Chapter 231
- 45 **17-50-333**, as last amended by Laws of Utah 2018, Chapter 231



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **10-8-41.6** is amended to read:

49 **10-8-41.6. Regulation of retail tobacco specialty business.**

50 (1) As used in this section:

51 (a) "Community location" means:

- 52 (i) a public or private kindergarten, elementary, middle, junior high, or high school;
- 53 (ii) a licensed child-care facility or preschool;
- 54 (iii) a trade or technical school;

- 55 (iv) a church;
- 56 (v) a public library;
- 57 (vi) a public playground;
- 58 (vii) a public park;
- 59 (viii) a youth center or other space used primarily for youth oriented activities;
- 60 (ix) a public recreational facility;
- 61 (x) a public arcade; or
- 62 (xi) for a new license issued on or after July 1, 2018, a homeless shelter.
- 63 (b) "Department" means the Department of Health, created in Section [26-1-4](#).
- 64 (c) "Electronic cigarette product" means the same as that term is defined in Section
- 65 [59-14-802](#).
- 66 (d) (i) "Flavored electronic cigarette product" means an electronic cigarette product
- 67 that has a taste or smell that is distinguishable by an ordinary consumer either before or during
- 68 use or consumption of the electronic cigarette product.
- 69 (ii) "Flavored electronic cigarette product" includes an electronic cigarette product that
- 70 has a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic
- 71 beverage, herb, or spice.
- 72 (iii) "Flavored electronic cigarette product" does not include an electronic cigarette
- 73 product that:
- 74 (A) has a taste or smell of only tobacco, mint, or menthol; or
- 75 (B) has been issued an order by the United States Food and Drug Administration
- 76 approving the premarket tobacco product application of the electronic cigarette product under
- 77 21 U.S.C. Sec. 387j(c)(1)(A)(i).
- 78 [~~(c)~~] (e) "Local health department" means the same as that term is defined in Section
- 79 [26A-1-102](#).
- 80 [~~(d)~~] (f) "Permittee" means a person licensed under this section to conduct business as
- 81 a retail tobacco specialty business.
- 82 [~~(e)~~] (g) "Retail tobacco specialty business" means a commercial establishment in
- 83 which:
- 84 (i) the sale of tobacco products accounts for more than 35% of the total quarterly gross
- 85 receipts for the establishment;

86 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or  
87 storage of tobacco products;

88 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of  
89 tobacco products; [~~or~~]

90 (iv) the retail space features a self-service display for tobacco products[~~;~~]; or

91 (v) any flavored electronic cigarette product is sold.

92 [~~(f)~~] (h) "Self-service display" means the same as that term is defined in Section  
93 76-10-105.1.

94 [~~(g)~~] (i) "Tobacco product" means:

95 (i) any cigar, cigarette, or electronic cigarette, as those terms are defined in Section  
96 76-10-101;

97 (ii) a tobacco product, as that term is defined in Section 59-14-102, including:

98 (A) chewing tobacco; or

99 (B) any substitute for a tobacco product, including flavoring or additives to tobacco;

100 and

101 (iii) tobacco paraphernalia, as that term is defined in Section 76-10-104.1.

102 (2) The regulation of a retail tobacco specialty business is an exercise of the police  
103 powers of the state, and through delegation, to other governmental entities.

104 (3) (a) A person may not operate a retail tobacco specialty business in a municipality  
105 unless the person obtains a license from the municipality in which the retail tobacco specialty  
106 business is located.

107 (b) A municipality may only issue a retail tobacco specialty business license to a  
108 person if the person complies with the provisions of Subsections (4) and (5).

109 (4) (a) Except as provided in Subsection (7), a municipality may not issue a license for  
110 a person to conduct business as a retail tobacco specialty business if the retail tobacco specialty  
111 business is located within:

112 (i) 1,000 feet of a community location;

113 (ii) 600 feet of another retail tobacco specialty business; or

114 (iii) 600 feet from property used or zoned for:

115 (A) agriculture use; or

116 (B) residential use.

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

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

125 (i) a valid permit for a retail tobacco specialty business issued under Title 26, Chapter  
126 62, Tobacco Retail Permit, by the local health department having jurisdiction over the area in  
127 which the retail tobacco specialty business is located; and

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

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

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

133 (i) requires a municipality to issue a retail tobacco specialty business license; or

134 (ii) prohibits a municipality from adopting more restrictive requirements on a person  
135 seeking a license or renewal of a license to conduct business as a retail tobacco specialty  
136 business.

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

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

141 (ii) if a licensee violates the regulations restricting the sale and distribution of  
142 cigarettes and smokeless tobacco to protect children and adolescents issued by the United  
143 States Food and Drug Administration, 21 C.F.R. Part 1140;

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

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

147 (7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has

148 a business license and is operating in a municipality in accordance with all applicable laws  
149 except for the requirement in Subsection (4), on or before December 31, 2015, is exempt from  
150 Subsection (4).

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

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

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

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

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

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

162 (B) zoning ordinances;

163 (C) building codes; and

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

166 Section 2. Section **17-50-333** is amended to read:

167 **17-50-333. Regulation of retail tobacco specialty business.**

168 (1) As used in this section:

169 (a) "Community location" means:

170 (i) a public or private kindergarten, elementary, middle, junior high, or high school;

171 (ii) a licensed child-care facility or preschool;

172 (iii) a trade or technical school;

173 (iv) a church;

174 (v) a public library;

175 (vi) a public playground;

176 (vii) a public park;

177 (viii) a youth center or other space used primarily for youth oriented activities;

178 (ix) a public recreational facility;

- 179 (x) a public arcade; or
- 180 (xi) for a new license issued on or after July 1, 2018, a homeless shelter.
- 181 (b) "Department" means the Department of Health, created in Section 26-1-4.
- 182 (c) "Electronic cigarette product" means the same as that term is defined in Section
- 183 59-14-802.
- 184 (d) (i) "Flavored electronic cigarette product" means an electronic cigarette product
- 185 that has a taste or smell that is distinguishable by an ordinary consumer either before or during
- 186 use or consumption of the electronic cigarette product.
- 187 (ii) "Flavored electronic cigarette product" includes an electronic cigarette product that
- 188 has a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic
- 189 beverage, herb, or spice.
- 190 (iii) "Flavored electronic cigarette product" does not include an electronic cigarette
- 191 product that:
- 192 (A) has a taste or smell of only tobacco, mint, or menthol; or
- 193 (B) has been issued an order by the United States Food and Drug Administration
- 194 approving the premarket tobacco product application of the electronic cigarette product under
- 195 21 U.S.C. Sec. 387j(c)(1)(A)(i).
- 196 ~~(e)~~ (e) "Licensee" means a person licensed under this section to conduct business as a
- 197 retail tobacco specialty business.
- 198 ~~(f)~~ (f) "Local health department" means the same as that term is defined in Section
- 199 26A-1-102.
- 200 ~~(g)~~ (g) "Retail tobacco specialty business" means a commercial establishment in
- 201 which:
- 202 (i) the sale of tobacco products accounts for more than 35% of the total quarterly gross
- 203 receipts for the establishment;
- 204 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or
- 205 storage of tobacco products;
- 206 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of
- 207 tobacco products; ~~[or]~~
- 208 (iv) the retail space features a self-service display for tobacco products~~[-];~~ or
- 209 (v) any flavored electronic cigarette product is sold.

210           ~~[(f)]~~ (h) "Self-service display" means the same as that term is defined in Section  
211 76-10-105.1.

212           ~~[(g)]~~ (i) "Tobacco product" means:

213           (i) any cigar, cigarette, or electronic cigarette as those terms are defined in Section  
214 76-10-101;

215           (ii) a tobacco product as that term is defined in Section 59-14-102, including:

216           (A) chewing tobacco; or

217           (B) any substitute for a tobacco product, including flavoring or additives to tobacco;

218 and

219           (iii) tobacco paraphernalia as that term is defined in Section 76-10-104.1.

220           (2) The regulation of a retail tobacco specialty business is an exercise of the police  
221 powers of the state, and through delegation, to other governmental entities.

222           (3) (a) A person may not operate a retail tobacco specialty business in a county unless  
223 the person obtains a license from the county in which the retail tobacco specialty business is  
224 located.

225           (b) A county may only issue a retail tobacco specialty business license to a person if  
226 the person complies with the provisions of Subsections (4) and (5).

227           (4) (a) Except as provided in Subsection (7), a county may not issue a license for a  
228 person to conduct business as a retail tobacco specialty business if the retail tobacco specialty  
229 business is located within:

230           (i) 1,000 feet of a community location;

231           (ii) 600 feet of another retail tobacco specialty business; or

232           (iii) 600 feet from property used or zoned for:

233           (A) agriculture use; or

234           (B) residential use.

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

239           (5) (a) Except as provided in Subsection (5)(b), beginning July 1, 2018, a county may  
240 not issue or renew a license for a person to conduct business as a retail tobacco specialty



241 business until the person provides the county with proof that the retail tobacco specialty  
242 business has:

243 (i) a valid permit for a retail tobacco specialty business issued under Title 26, Chapter  
244 62, Tobacco Retail Permit, by the local health department having jurisdiction over the area in  
245 which the retail tobacco specialty business is located; and

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

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

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

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

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

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

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

258 (ii) if a licensee violates the regulations restricting the sale and distribution of  
259 cigarettes and smokeless tobacco to protect children and adolescents issued by the United  
260 States Food and Drug Administration, 21 C.F.R. Part 1140;

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

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

264 (7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has  
265 a business license and is operating in a county in accordance with all applicable laws except for  
266 the requirement in Subsection (4), on or before December 31, 2015, is exempt from Subsection  
267 (4).

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

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

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

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

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

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

279 (B) zoning ordinances;

280 (C) building codes; and

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

283 Section 3. Section **26-57-103** is amended to read:

284 **26-57-103. Electronic cigarette products -- Labeling -- Manufacturing and**  
285 **quality control standards -- Advertising.**

286 (1) The department shall, in consultation with a local health department, as defined in  
287 Section [26A-1-102](#), and with input from members of the public, establish, no later than January  
288 1, 2016, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
289 Rulemaking Act, standards for electronic cigarette substance:

290 (a) labeling;

291 (b) nicotine content;

292 (c) packaging; and

293 (d) product quality.

294 [~~(2) The standards established by the department under Subsection (1) do not apply to a~~  
295 ~~manufacturer sealed electronic cigarette substance.~~]

296 (2) On or before January 1, 2021, the department shall, in consultation with a local  
297 health department, as defined in Section [26A-1-102](#), and with input from members of the  
298 public, establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
299 Rulemaking Act, standards for manufacturer sealed electronic cigarette substance:

300 (a) labeling;

301 (b) nicotine content;

302 (c) packaging; and

303 (d) product quality.

304 (3) (a) Beginning on July 1, 2016, a person may not sell an electronic cigarette  
305 substance unless the electronic cigarette substance complies with the standards established by  
306 the department under Subsection (1).

307 (b) Beginning July 1, 2021, a person may not sell a manufacturer sealed electronic  
308 cigarette substance unless the manufacturer sealed electronic cigarette substance complies with  
309 the standards established by the department under Subsection (2).

310 (4) (a) Beginning on July 1, 2016, a local health department may not enact a rule or  
311 regulation regarding electronic cigarette substance labeling, nicotine content, packaging, or  
312 product quality that is not identical to the standards established by the department under  
313 ~~[Subsection (1)]~~ Subsections (1) and (2).

314 (b) Except as provided in Subsection (4)(c), a local health department may enact a rule  
315 or regulation regarding electronic cigarette substance manufacturing.

316 (c) A local health department may not enact a rule or regulation regarding a  
317 manufacturer sealed electronic cigarette substance.

318 (5) Beginning on July 1, 2016, a person may not advertise an electronic cigarette  
319 product:

320 (a) as a tobacco cessation device;

321 (b) if the person is not licensed to sell an electronic cigarette product under Section  
322 [59-14-803](#); or

323 (c) during a period of time when the person's license to sell an electronic cigarette  
324 product under Section [59-14-803](#) has been suspended or revoked.

325 Section 4. Section **26-62-206** is enacted to read:

326 **26-62-206. Permit requirements for the sale of tobacco products.**

327 (1) A tobacco retailer shall:

328 (a) for each sale of a tobacco product, provide the customer with an itemized receipt  
329 for each sale of a tobacco product that separately identifies:

330 (i) the name of the tobacco product;

331 (ii) the amount charged for each tobacco product; and

332 (iii) the time and date of the sale; and

333 (b) maintain an itemized transaction log for each sale of a tobacco product that

334 separately identifies:

335 (i) the name of the tobacco product;

336 (ii) the amount charged for each tobacco product; and

337 (iii) the date and time of the sale.

338 (2) The itemized transaction log described in Subsection (1)(b) shall be:

339 (a) maintained for at least one year from the date of each transaction in the itemized  
340 transaction log; and

341 (b) made available to an enforcing agency or peace officer at the request of the  
342 enforcing agency or peace officer that is no less restrictive than the provisions in this part.

343 Section 5. Section **76-10-111** is amended to read:

344 **76-10-111. Prohibition of gift or free distribution of smokeless tobacco or**  
345 **electronic cigarettes -- Exceptions.**

346 (1) The Legislature finds that:

347 (a) smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who  
348 use those products because research indicates that they may cause mouth or oral cancers;

349 (b) the use of smokeless tobacco among juveniles in this state is increasing rapidly;

350 (c) the use of electronic cigarettes may lead to unhealthy behavior such as the use of  
351 tobacco products; and

352 (d) it is necessary to restrict the gift of the products described in this Subsection (1) in  
353 the interest of the health of the citizens of this state.

354 (2) (a) Except as provided in Subsection (3), it is unlawful for a manufacturer,  
355 wholesaler, and retailer to:

356 (i) give or distribute without charge any smokeless tobacco, chewing tobacco, or  
357 electronic cigarette in this state[-];

358 (ii) except as provided in Subsection (2)(b), sell, offer for sale, or furnish any  
359 smokeless tobacco, chewing tobacco, or electronic cigarette at less than 90% of the cost of the  
360 product to the manufacturer, wholesaler, or retailer; or

361 (iii) give, distribute, sell, offer for sale, or furnish any smokeless tobacco, chewing  
362 tobacco, or electronic cigarette for free or at a lower price because the recipient of the  
363 electronic cigarette product makes another purchase.

364 (b) The price that a manufacturer, wholesaler, or retailer may charge under Subsection

365 (2)(a)(ii) does not include a discount for:

366 (i) a physical manufacturer coupon:

367 (A) that is surrendered to the wholesaler or retailer at the time of sale; and

368 (B) for which the manufacturer will reimburse the wholesaler or the retailer for the full

369 amount of the discount described in the manufacturer coupon and provided to the purchaser;

370 (ii) a rebate that will be paid to the manufacturer, the wholesaler, or the retailer for the

371 full amount of the rebate provided to the purchaser; or

372 (iii) a promotional fund that will be paid to the manufacturer, the wholesaler, or the

373 retailer for the full amount of the promotional fund provided to the purchaser.

374 (c) Any person who violates this section is guilty of a class C misdemeanor for the first

375 offense, and is guilty of a class B misdemeanor for any subsequent offense.

376 (3) ~~[(a)]~~ Smokeless tobacco, chewing tobacco, or an electronic cigarette may be

377 distributed to adults without charge at professional conventions where the general public is

378 excluded.

379 ~~[(b) Subsection (2) does not apply to a retailer, manufacturer, or distributor who gives~~

380 ~~smokeless tobacco, chewing tobacco, or an electronic cigarette to a person of legal age upon~~

381 ~~the person's purchase of another tobacco product or electronic cigarette.]~~

382 Section 6. Section 76-10-112 is amended to read:

383 **76-10-112. Prohibition of distribution of cigarettes or other tobacco products --**

384 **Exceptions.**

385 (1) (a) Except as provided in Subsection ~~[(2)]~~ (3), it is unlawful for a manufacturer,

386 wholesaler, or retailer to:

387 (i) give or distribute cigarettes or other tobacco products in this state without charge[-];

388 (ii) except as provided in Subsection (2)(b), sell, offer for sale, or furnish any cigarettes

389 or other tobacco products at less than the cost of the product to the manufacturer, wholesaler,

390 or retailer; or

391 (iii) give, distribute, sell, offer for sale, or furnish any cigarettes or other tobacco

392 products for free or at a lower price because the purchaser makes another purchase.

393 (b) The price that a manufacturer, wholesaler, or retailer may charge under Subsection

394 (2)(a)(ii) does not include a discount for:

395 (i) a manufacturer coupon:

396 (A) that is surrendered to the tobacco retailer at the time of sale; and  
397 (B) for which the manufacturer will reimburse the wholesaler or retailer for the full  
398 amount of the discount described in the manufacturer coupon and provided to the purchaser;  
399 (ii) a rebate that will be paid to the manufacturer, wholesaler, or retailer for the full  
400 amount of the rebate provided to the purchaser; or  
401 (iii) a promotional fund that will be paid to the manufacturer, wholesaler, or retailer for  
402 the full amount of the promotional fund provided to the purchaser.

403 (2) Any person who violates this [subsection] section is guilty of a class C  
404 misdemeanor for the first offense and a class B misdemeanor for any subsequent offense.

405 ~~[(2)]~~ (3) Cigarettes and other tobacco products may be distributed to adults without  
406 charge at professional conventions where the general public is excluded.

407 ~~[(3) The prohibition described in Subsection (1) does not apply to retailers,~~  
408 ~~manufacturers, or distributors who give cigarettes or other tobacco products to persons of legal~~  
409 ~~age upon their purchase of cigarettes or other tobacco products.]~~

410 **Section 7. Coordinating H.B. 118 with S.B. 37 -- Technical amendments.**

411 If this H.B. 118 and S.B. 37, Electronic Cigarette and Other Nicotine Product  
412 Amendments, both pass and become law, it is the intent of the Legislature that the Office of  
413 Legislative Research and General Counsel shall prepare the Utah Code database for publication  
414 by amending:

415 (1) Subsection [10-8-41.6\(1\)\(c\)](#) to read:  
416 "(c) "Electronic cigarette product" means the same as that term is defined in Section  
417 [76-10-101.](#)"; and

418 (2) Subsection [17-50-333\(1\)\(c\)](#) to read:  
419 "(c) "Electronic cigarette product" means the same as that term is defined in Section  
420 [76-10-101.](#)"