

398 (ii) a penalty of [~~no more than \$1,000~~] \$2,000; and

399 (d) on a fourth or subsequent violation within two years of three previous violations:

400 (i) impose a penalty of [~~no more than \$1,000~~] \$2,000;

401 (ii) revoke a permit of the retailer; and

402 (iii) if applicable, recommend to a municipality or county that a retail tobacco specialty
403 business license issued under Section [10-8-41.6](#) or [17-50-333](#) be suspended or revoked.

404 (3) If a violation is found in an investigation of a general tobacco retailer by a law
405 enforcement agency under Section [77-39-101](#) for the sale of a tobacco product, an electronic
406 cigarette product, or a nicotine product to an individual under 21 years old ~~§~~ ~~→~~ ~~[f]~~ ~~←~~ ~~§~~ and the
406a violation is

407 committed by the owner of the general tobacco retailer ~~§~~ ~~→~~ ~~[f]~~ ~~←~~ ~~§~~ , the enforcing agency shall:

408 (a) on a first violation, impose a fine of [~~no more than~~] \$2,000 on the general tobacco
409 retailer; and

410 (b) on the second violation for the same general tobacco retailer within one year of the
411 first violation:

412 (i) impose a fine [~~not exceeding~~] of \$5,000; and

413 (ii) revoke the permit for the general tobacco retailer.

414 (4) If a violation is found in an investigation of a retail tobacco specialty business by a
415 law enforcement agency under Section [77-39-101](#) for the sale of a tobacco product, an
416 electronic cigarette product, or a nicotine product to an individual under 21 years old, the
417 enforcing agency shall [~~apply the provisions of Section [26-62-402](#).~~]:

418 (a) on the first violation:

419 (i) impose a fine of \$5,000; and

420 (ii) immediately suspend the permit for 30 consecutive days; and

421 (b) on the second violation at the same retail location within two years of the first
422 violation:

423 (i) impose a fine of \$10,000; and

424 (ii) revoke the permit for the retail tobacco specialty business.

425 (5) (a) Except when a transfer described in Subsection (6) occurs, a local health
426 department may not issue a permit to:

427 (i) a tobacco retailer for whom a permit is suspended or revoked under Subsection (2)
428 or (3) or Section [26-62-402](#); or