

Representative Brady Brammer proposes the following substitute bill:

ELECTRONIC CIGARETTE REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the provision of electronic cigarette products.

Highlighted Provisions:

This bill:

- ▶ regulates electronic cigarette products that are sold in the state.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-57-103, as last amended by Laws of Utah 2021, First Special Session, Chapter 12

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

Section 1. Section **26-57-103** is amended to read:

26-57-103. Electronic cigarette products -- Labeling -- Requirements to sell --

Advertising.

(1) The department shall, in consultation with a local health department and with input



26 from members of the public, establish by rule made in accordance with Title 63G, Chapter 3,
27 Utah Administrative Rulemaking Act, the requirements to sell an electronic cigarette substance
28 that is not a manufacturer sealed electronic cigarette substance regarding:

- 29 (a) labeling;
- 30 [~~(b)~~ nicotine content;]
- 31 [~~(c)~~] (b) packaging; and
- 32 [~~(d)~~] (c) product quality.

33 (2) On or before January 1, 2021, the department shall, in consultation with a local
34 health department and with input from members of the public, establish by rule made in
35 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements
36 to sell a manufacturer sealed electronic cigarette product regarding:

- 37 (a) labeling;
- 38 [~~(b)~~ nicotine content;]
- 39 [~~(c)~~] (b) packaging; and
- 40 [~~(d)~~] (c) product quality.

41 (3) (a) A person may not sell an electronic cigarette substance unless the electronic
42 cigarette substance complies with the requirements established by the department under
43 Subsection (1).

44 (b) Beginning on July 1, 2021, a person may not sell a manufacturer sealed electronic
45 cigarette product unless the manufacturer sealed electronic cigarette product complies with the
46 requirements established by the department under Subsection (2).

47 (4) (a) A local health department may not enact a rule or regulation regarding
48 electronic cigarette substance labeling, nicotine content, packaging, or product quality that is
49 not identical to the requirements established by the department under Subsections (1) and (2).

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

52 (c) A local health department may not enact a rule or regulation regarding a
53 manufacturer sealed electronic cigarette product.

54 (5) A person may not advertise an electronic cigarette product as a tobacco cessation
55 device.

56 (6) Beginning October 1, 2023:

- 57 (a) a product described in Subsection (1), may not exceed:
58 (i) 360 milligrams per container; or
59 (ii) a 24 milligrams per milliliter concentration of nicotine; and
60 (b) a product described in Subsection (2), may not exceed:
61 (i) 3% nicotine by weight per container; or
62 (ii) a 36 milligrams per milliliter concentration of nicotine.