

553 agents or employees, or by any law enforcement agency of this state if directed by the  
 554 commission, without a warrant.

555 (ii) The cost of such seizure, forfeiture, and destruction shall be borne by the person  
 556 from whom the products are confiscated.

557 (c) In an action brought under this section, the commission may recover reasonable  
 558 expenses incurred in investigating and preparing the case, and attorney fees.

559 (10) (a) The commission shall disclose to the attorney general any information received  
 560 under this section which is requested by the attorney general for purposes of determining  
 561 compliance with and enforcing the provisions of this section.

562 (b) The commission and attorney general shall share with each other information  
 563 received under this section, or corresponding laws of other states.

564 (11) (a) (i) ~~§~~→ [Subject to Subsection (11)(d)(ii), the] The ~~←~~§ commission may not list a  
 564a nonresident  
 565 manufacturer of an electronic cigarette product in the registry unless:

566 (A) the nonresident manufacturer has registered to do business in the state as a foreign  
 567 corporation or business entity; or

568 (B) the nonresident manufacturer appoints and maintains without interruption the  
 569 services of an agent in this state to receive any service of process on behalf of the  
 570 manufacturer.

571 (b) The nonresident manufacturer shall provide the name, address, telephone number  
 572 of the agent to the commission.

573 (c) (i) A nonresident manufacturer shall provide notice to the commission 30 days  
 574 before the termination of the authority of an agent and shall further provide proof to the  
 575 satisfaction of the commission of the appointment of a new agent no less than five calendar  
 576 days prior to the termination of an existing agent appointment.

577 (ii) In the event an agent terminates an agency appointment, the manufacturer shall  
 578 notify the commission of the termination within five calendar days and shall include proof to  
 579 the satisfaction of the commission of the appointment of a new agent.

580 **§→ ~~[(d) (i) Any nonresident manufacturer whose electronic cigarette products are sold in~~**  
 581 **this state who has not appointed and engaged the services of an agent as required by this**  
 582 **section shall be deemed to have appointed the lieutenant governor as the agent for service of**  
 583 **process.**🗑️

584 ~~●(ii) The commission may not include a nonresident manufacturer in the registry if the~~  
585 ~~lieutenant governor is the manufacturer's agent.] ←§~~

586 (12) Before January 31 of each year, the commission shall provide a report to the  
587 Revenue and Taxation Interim Committee regarding:

- 588 (a) the status of the registry;
- 589 (b) manufacturers and products included in the registry;
- 590 (c) revenue and expenditures related to administration of this section; and
- 591 (d) enforcement activities undertaken pursuant to this section.

592 (13) All fees and penalties collected under this section shall be used for administration  
593 and enforcement of this section.

594 (14) The commission may make rules in accordance with Title 63G, Chapter 3, Utah  
595 Administrative Rulemaking Act, to implement this section.

596 Section 6. Section **76-10-101** is amended to read:

597 **76-10-101. Definitions.**

598 As used in this part:

599 (1) (a) "Alternative nicotine product" means a product, other than a cigarette, a  
600 counterfeit cigarette, an electronic cigarette product, a nontherapeutic nicotine product, or a  
601 tobacco product, that:

- 602 (i) contains nicotine;
- 603 (ii) is intended for human consumption;
- 604 (iii) is not purchased with a prescription from a licensed physician; and
- 605 (iv) is not approved by the United States Food and Drug Administration as nicotine  
606 replacement therapy.

607 (b) "Alternative nicotine product" includes:

- 608 (i) pure nicotine;
- 609 (ii) snortable nicotine;
- 610 (iii) dissolvable salts, orbs, pellets, sticks, or strips; and
- 611 (iv) nicotine-laced food and beverage.

612 (c) "Alternative nicotine product" does not include a fruit, a vegetable, or a tea that  
613 contains naturally occurring nicotine.

614 (2) "Cigar" means a product that contains nicotine, is intended to be burned under