
UTAH Tobacco Laws

Minors

76-10-104. Furnishing cigars, cigarettes, or tobacco to minors-Penalties
Any person who sells, gives, or furnishes any cigar, cigarette, or tobacco in any form, to any person under 19 years of age, is guilty of a class C misdemeanor on the first offense, a class B misdemeanor on the second offense, and a class A misdemeanor on subsequent offenses

76-10-105. Buying or possessing cigars, cigarettes, or tobacco by Minors-Penalty- Compliance officer authority-Juvenile court jurisdiction

- (1) Any 18 year old person who buys or attempts to buy, accepts, or has in his possession any cigar, cigarette, or tobacco in any form is guilty of a class C misdemeanor and subject to:
 - (a) a minimum fine or penalty of \$60; and
 - (b) participation in a court-approved tobacco education program, which may include a participation fee.
- (2) Any person under the age of 18 who buys or attempts to buy, accepts, or has in his possession any cigar, cigarette, or tobacco in any form is subject to the jurisdiction of the Juvenile Court and:
 - (a) a minimum fine or penalty of \$60; and
 - (b) participation in a court-approved tobacco education program, which may include a participation fee.
- (3) A compliance officer appointed by a board of education under Section 53A-3-402 may issue citations for violations of this section committed on school property. Cited violations shall be reported to the appropriate juvenile court.

Retail

26-42-101 to 107 Civil penalties for tobacco sales to underage persons

26-42-101. Title.

This chapter is known as "Civil Penalties for Tobacco Sales to Underage Persons."

26-42-102. Definitions.

As used in this chapter:

- (1) "Commission" means the Utah State Tax Commission.
- (2) "Employee" means an employee of a licensee
- (3) "Enforcing agency" means the state Department of Health, or any local health department enforcing the provisions of this chapter
- (4) "Licensee" means a person licensed:
 - (a) under Section 59-14-201 to sell cigarettes at retail; or
 - (b) under Section 59-14-301 to sell tobacco products at retail.
- (5) "License to sell tobacco" or "license" means a license issued:
 - (a) under Section 59-14-201 to sell cigarettes at retail; or
 - (b) under Section 59-14-301 to sell tobacco products at retail.
- (6) "Tobacco" means cigarettes or tobacco products as defined in Section 59-14-102.

26-42-103. Violations and penalties -- Imposition by enforcing agency and tax commission.

- (1) If, following an investigation or issuance of a citation or information under Section 77-39-101, an enforcing agency determines under Section 26-42-104 that a licensee or any employee has sold tobacco to a person younger than 19 years of age, as prohibited by Section 76-10-104, the enforcing agency may impose upon the licensee the following administrative penalties:
 - (a) upon the first violation, a penalty of not more than \$300;
 - (b) upon a second violation at the same retail location, and within 12 months of the first violation, a penalty of not more than \$750; and
 - (c) upon a third or subsequent violation at the same retail location and within 12 months of the first violation, a penalty of not more than \$1,000.
- (2) The enforcing agency shall notify the commission in writing of any order or order of default finding a violation of Subsection (1) which is a third or fourth violation.
- (3) The commission, upon receipt of the written notification under Subsection (2), shall take action under Section 59-14-203.5 or 59-14-301.5 against the license to sell tobacco:
 - (a) by suspending the licensee's license to sell tobacco at that location for not more than 30 days, upon receipt of notification of a third violation under Subsection (1)(c); and
 - (b) by revoking the license to sell tobacco at that location held by the licensee, including any license under suspension, upon receipt of notification of a fourth violation under Subsection (1)(c).
- (4) When the commission revokes a license under Subsection (3)(b), the commission may not issue to the licensee, or to the business entity using the license that is revoked, a license under Section 59-14-201 or 59-14-301 to sell tobacco at the location for which the license was

59-14-201. License -- Fee -- Bond -- Exceptions.

- (1) It is unlawful for any person in this state to barter, sell, exchange, or offer cigarettes for sale without first having obtained a license issued by the commission under Section 59-14-202.
- (2) (a) A license may not be issued for the sale of cigarettes until the applicant has paid a license fee of \$30 or a license renewal fee of \$20, as appropriate
- (b) The fee for reinstatement of a license that has been revoked, suspended, or allowed to expire is \$30.
- (3) (a) A license may not be issued until the applicant files a bond with the commission. The commission shall determine the form and the amount of the bond, the minimum amount of which shall be \$500. The bond shall be executed by the applicant as principal, with a corporate surety, payable to the state and conditioned upon the faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations.
- (b) Applicants are not required to post a bond who:
 - (i) purchase during the license year only products which have the proper state stamp affixed as required by this chapter; and
 - (ii) file an affidavit with their application attesting to this fact

76-10-103. Permitting minors to use tobacco in place of business.

It is a class C misdemeanor for the proprietor of any place of business to knowingly permit persons under age nineteen to frequent a place of business while they are using tobacco.

76-10-105.1. Requirement of direct, face-to-face sale of tobacco products.

- (1) As used in this section:
 - (a) (i) "Cigarette" means any product which contains nicotine, is intended to be burned under ordinary conditions of use, and consists of:
 - (A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
 - (B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in Subsection (1)(a)(i).
 - (ii) "Cigarette" does not include a standard 60 carton case.
 - (b) "Cigarette tobacco" means any product that consists of loose tobacco that contains or delivers nicotine and is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements pertaining to cigarettes shall also apply to cigarette tobacco.
 - (c) "Retailer" means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption or who operates a facility where vending machines or self-service displays are permitted under this section.
 - (d) "Self-service display" means any display of cigarettes or smokeless tobacco products to which the public has access without the intervention of a retail employee.
 - (e) "Smokeless tobacco" means any product that consists of cut, ground,

- powdered, or leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity. "Smokeless tobacco" does not include multi-container packs of smokeless tobacco.
- (2) (a) Except as provided in Subsection (3), a retailer may sell cigarettes and smokeless tobacco only in a direct, face-to-face exchange between the retailer and the consumer. Examples of methods that are not permitted include vending machines and self-service displays.
- (b) Subsection (2)(a) does not prohibit the use or display of locked cabinets containing cigarettes or smokeless tobacco if the locked cabinets are only accessible to the retailer or its employees.
- (3) The following sales are permitted as exceptions to Subsection (2):
- (a) mail-order sales, excluding mail-order redemption of coupons and distribution of free samples through the mail; and
- (b) vending machines, including vending machines that sell packaged, single cigarettes, and self-service displays that are located in a separate and defined area within a facility where the retailer ensures that no person younger than under 19 years of age is present, or permitted to enter, at any time, unless accompanied by a parent or legal guardian.
- (4) Any ordinance, regulation, or rule adopted by the governing body of a political subdivision or state agency that affects the sale, placement, or display of cigarettes or smokeless tobacco that is not essentially identical

Advertising/ Distribution

76-10-102. Cigarettes and tobacco -- Advertising restrictions -- Warnings in smokeless tobacco advertisements.

- (1) It is a class B misdemeanor for any person to display on any billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, any advertisement of cigarettes, cigarette papers, cigars, chewing tobacco, or smoking tobacco or any disguise or substitute of either, except that a dealer in cigarettes, cigarette papers, tobacco or cigars, or their substitutes, may have a sign on the front of his place of business stating that he is a dealer in the articles; provided that nothing herein shall be construed to prohibit the advertising of cigarettes, cigarette papers, chewing tobacco or smoking tobacco, or any substitute of either, in any newspaper, magazine or periodical printed or circulating in this state.
- (2) Any advertisement for smokeless tobacco placed in a newspaper, magazine, or periodical published in this state must bear a warning which states: "Use of smokeless tobacco may cause oral cancer and other mouth disorders and is addictive." This warning must be in a conspicuous location and in conspicuous and legible type, in contrast with the typography, layout, and color of all other printed material in the advertisement. For purposes of this subsection, "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity or nasal passage. In the event the United States Congress passes legislation which requires warnings in advertisements of smokeless tobacco, the specific language required to be placed in advertisements by that legislation shall take precedence over this subsection.

76-10-105.3. Prohibition of sale or gift of clove cigarettes.

It is unlawful for any person to knowingly sell, offer for sale, give or furnish any clove cigarette in this state. For purposes of this section "clove cigarette" means any cigarette which contains more than 10%, by weight, of raw eugenia caryophyllata or caryophyllus, commonly known as clove. Any person who violates this section is guilty of a class B misdemeanor.

76-10-111. Prohibition of gift or free distribution of smokeless tobacco -- Exceptions.

- (1) The Legislature finds that smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who use those products because research indicates that they may cause mouth or oral cancers; that the use of smokeless tobacco among juveniles in this state is increasing rapidly; and that it is necessary to restrict the gift of these products in the interest of the health of the citizens of this state.
- (2) Except as provided in Subsection (3), it is unlawful for a manufacturer, wholesaler, and retailer to give or distribute without charge any smokeless tobacco or chewing tobacco in this state. Any person who violates this section is guilty of a class C misdemeanor for the first offense, and is guilty of a class B misdemeanor for any subsequent offense.
- (3) (a) Smokeless tobacco or chewing tobacco may be distributed to adults without charge at professional conventions where the general public is excluded.
(b) Subsection (2) does not apply to retailers, manufacturers, or distributors who give smokeless tobacco or chewing tobacco to persons of legal age upon their purchase of other tobacco products.

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

- (1) Except as provided in Subsection (2), it is unlawful for a manufacturer, wholesaler, or retailer to give or distribute cigarettes or other tobacco products in this state without charge. Any person who violates this subsection is guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense.
 - (2) Cigarettes and other tobacco products may be distributed to adults without charge at professional conventions where the general public is excluded.
 - (3) The prohibition described in Subsection (1) does not apply to retailers, manufacturers, or distributors who give cigarettes or other tobacco products to persons of legal age upon their purchase of cigarettes or other tobacco products.
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