

### 3rd Sub. S.B. 61

## ELECTRONIC CIGARETTE AMENDMENTS

Senator **Jen Plumb** proposes the following amendments:

1. Page 12, Lines 349 through 351:

349 (1) (a) A local health department may examine the books, papers, and records of any  
350 ~~{distributor, wholesaler, or dealer}~~ retailer in this state, for the purpose of determining compliance  
with  
351 Section 59-14-810.

2. Page 12, Lines 356 through 357:

356 (c) Unannounced follow-up examinations of all ~~{noncompliant distributors,~~  
357 ~~wholesalers, and}~~ = retailers are required within 30 days after any violation of Section 59-14-810.

3. Page 12, Lines 361 through 362:

361 is declared to be a contraband good and shall be immediately embargoed by a local health department .  
362 (f) An electronic cigarette product described in Subsection (1)(e) may be ~~{seized}~~ embargoed

4. Page 13, Lines 367 through 368:

367 (g) The cost of ~~{such seizure, forfeiture,}~~ embargoing and destruction shall be borne by the  
~~{person~~  
368 ~~from whom the products are confiscated}~~ retailer .

5. Page 13, Lines 369 through 370:

369 (h) In an action brought under this section, a local health department may recover  
370 reasonable expenses incurred in investigating and preparing the case and attorney fees.  
(i) A retailer shall remove any embargoed electronic cigarette product from the retailer's active inventory and work with the wholesaler or distributor to return or dispose the electronic cigarette product.

6. Page 13, Line 378:

378 Commission regarding violations of Section 59-14-810. =  
(3) A monetary penalty assessed to a retailer by a local health department under this section shall be doubled if the retailer fails to provide documentation establishing a

**clear chain of custody back to the manufacturer.**