



28 (1) As used in this section:

29 ~~[(a) "Cigarette tobacco" means a product that consists of loose tobacco that contains or~~  
30 ~~delivers nicotine and is intended for use by a consumer in a cigarette.]~~

31 ~~[(b) "Pipe tobacco" means a product that consists of loose tobacco that contains or~~  
32 ~~delivers nicotine and is intended to be smoked by a consumer in a pipe.]~~

33 (a) "Cigarette" is as defined in Section [59-14-102](#).

34 (b) (i) "Face-to-face exchange" means a transaction made in person between an  
35 individual and a retailer or retailer's employee.

36 (ii) "Face-to-face exchange" does not include a sale through a:

37 (A) vending machine; or

38 (B) self-service display.

39 (c) "Retailer" means a person who ~~[sells cigarettes, electronic cigarettes, cigars,~~  
40 ~~cigarette tobacco, pipe tobacco, or smokeless tobacco to individuals for personal consumption~~  
41 ~~or]~~:

42 (i) sells a cigarette, tobacco, or an electronic cigarette to an individual for personal  
43 consumption; or

44 (ii) who operates a facility [where a vending machine or a self-service display is  
45 permitted under Subsection (3)(b)] with a vending machine that sells a cigarette, tobacco, or an  
46 electronic cigarette.

47 (d) "Self-service display" means a display of ~~[cigarettes, electronic cigarettes, cigars,~~  
48 ~~cigarette tobacco, pipe tobacco, or smokeless tobacco products]~~ a cigarette, tobacco, or an  
49 electronic cigarette to which the public has access without the intervention of a [retail] retailer  
50 or retailer's employee.

51 ~~[(e) "Smokeless tobacco" means a product that consists of cut, ground, powdered, or~~  
52 ~~leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity.]~~

53 (e) "Tobacco" is as defined in Section [59-14-102](#).

54 (f) "Tobacco specialty shop" means a retailer with a physical location that derives at  
55 least 80% of its total sales from the sale of cigarettes, tobacco, or electronic cigarettes.

56 (2) ~~[(a)]~~ Except as provided in Subsection (3), a retailer may sell ~~[cigarettes, electronic~~  
57 ~~cigarettes, cigars, cigarette tobacco, pipe tobacco, and smokeless tobacco only in a direct,~~  
58 ~~face-to-face exchange between:]~~ a cigarette, tobacco, or an electronic cigarette only in a

59 face-to-face exchange.

60 ~~[(i) an employee of the retailer; and]~~

61 ~~[(ii) the purchaser.]~~

62 ~~[(b) Examples of methods that are not permitted include vending machines and~~  
63 ~~self-service displays.]~~

64 ~~[(c) Subsections (2)(a) and (b) do not prohibit the use or display of locked cabinets~~  
65 ~~containing cigarettes, electronic cigarettes, cigars, cigarette tobacco, pipe tobacco, or smokeless~~  
66 ~~tobacco if the locked cabinets are accessible only to the retailer or the retailer's employees.]~~

67 ~~[(3) The following sales are permitted as exceptions to Subsection (2):]~~

68 ~~[(a) mail-order sales, if the provisions of Section 59-14-509 are met;]~~

69 ~~[(b) sales from vending machines, including vending machines that sell packaged,~~  
70 ~~single cigarettes or cigars, and self-service displays that are located in a separate and defined~~  
71 ~~area within a facility where the retailer ensures that no person younger than 19 years of age is~~  
72 ~~present, or permitted to enter, at any time, unless accompanied by a parent or legal guardian;~~  
73 ~~and]~~

74 ~~[(c) sales by a retailer from a retail store which derives at least 80% of its revenue from~~  
75 ~~tobacco and tobacco related products and where the retailer ensures that no person younger~~  
76 ~~than 19 years of age is present, or permitted to enter at any time, unless accompanied by a~~  
77 ~~parent or legal guardian.]~~

78 ~~[(4) Any ordinance, regulation, or rule adopted by the governing body of a political~~  
79 ~~subdivision of the state or by a state agency that affects the sale, placement, or display of~~  
80 ~~cigarettes, electronic cigarettes, cigars, cigarette tobacco, pipe tobacco, or smokeless tobacco~~  
81 ~~that is not essentially identical to the provisions of this section and Section 76-10-102 is~~  
82 ~~superseded.]~~

83 ~~[(5) (a) A parent or legal guardian who accompanies a person younger than 19 years of~~  
84 ~~age into an area described in Subsection (3)(b) or into a retail store as described in Subsection~~  
85 ~~(3)(c) and permits the person younger than 19 years of age to purchase or otherwise take a~~  
86 ~~cigar, cigarette, electronic cigarette, or tobacco in any form is guilty of providing tobacco as~~  
87 ~~provided for in Section 76-10-104 and the penalties provided for in that section.]~~

88 ~~[(b) Nothing in this section may be construed as permitting a person to provide tobacco~~  
89 ~~to a minor in violation of Section 76-10-104.]~~

- 90           (3) The face-to-face sale requirement in Subsection (2) does not apply to:
- 91           (a) a mail-order, telephone, or Internet sale made in compliance with Section
- 92 59-14-509;
- 93           (b) a sale from a vending machine or self-service display that is located in an area of a
- 94 retailer's facility:
- 95           (i) that is distinct and separate from the rest of the facility; and
- 96           (ii) where the retailer does not allow an individual who is less than 19 years old to be
- 97 present, unless the individual is accompanied by a parent or legal guardian; or
- 98           (c) a sale at a tobacco specialty shop.
- 99           (4) An individual who is less than 19 years old may not enter or be present at a tobacco
- 100 specialty shop unless accompanied by a parent or legal guardian.
- 101           (5) A parent or legal guardian of an individual who is less than 19 years old who
- 102 accompanies the individual into an area described in Subsection (3)(b), or into a tobacco
- 103 specialty shop, may not allow an individual to purchase a cigarette, tobacco, or an electronic
- 104 cigarette.
- 105           (6) [~~Violation~~] A violation of Subsection (2) or [~~(3)~~] (4) is a:
- 106           (a) class C misdemeanor on the first offense;
- 107           (b) class B misdemeanor on the second offense; and
- 108           (c) class A misdemeanor on the third and all subsequent offenses.
- 109           (7) An individual who violates Subsection (5) is guilty of providing tobacco to a minor
- 110 under Section 76-10-104.
- 111           (8) Any ordinance, regulation, or rule adopted by the governing body of a political
- 112 subdivision of the state or by a state agency that affects the sale, placement, or display of
- 113 cigarettes, tobacco, or electronic cigarettes that is not essentially identical to the provisions of
- 114 this section and Section 76-10-102 is superseded.

**Legislative Review Note**  
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**Office of Legislative Research and General Counsel**