

**ELECTRONIC CIGARETTE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jen Plumb**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill codifies the nicotine content limit for electronic cigarettes.

**Highlighted Provisions:**

This bill:

- ▶ codifies the nicotine content limit for electronic cigarettes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-7-505**, as renumbered and amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-7-505** is amended to read:

**26B-7-505. Electronic cigarette products -- Labeling -- Requirements to sell --**

**Advertising -- Labeling of nicotine products containing nicotine.**

(1) The department shall, in consultation with a local health department and with input from members of the public, establish by rule made in accordance with Title 63G, Chapter 3, 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) Beginning on October 1, 2024:

42 (a) a substance described in Subsection (1) may not exceed:

43 (i) 360 milligrams per container; or

44 (ii) a nicotine concentration of 24 milligrams per milliliter; and

45 (b) a product described in Subsection (2) may not exceed:

46 (i) 3% nicotine by weight per container; or

47 (ii) a nicotine concentration of 36 milligrams per milliliter.

48 [~~(3)~~] (4) (a) A person may not sell an electronic cigarette substance unless the  
49 electronic cigarette substance complies with the requirements established by the department  
50 under Subsection (1).

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

54 [~~(4)~~] (5) (a) A local health department may not enact a rule or regulation regarding  
55 electronic cigarette substance labeling, nicotine content, packaging, or product quality that is  
56 not identical to the requirements established by the department under Subsections (1) and (2).

57 (b) Except as provided in Subsection [~~(4)(c)~~] (5)(c), a local health department may  
58 enact a rule or regulation regarding electronic cigarette substance manufacturing.

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

61 [~~(5)~~] (6) A person may not advertise an electronic cigarette product as a tobacco  
62 cessation device.

63 [~~(6)~~] (7) (a) Any nicotine product shall contain the statement described in Subsection  
64 (7)(b) if the nicotine product:

65 [~~(a)~~] (i) [(i)] (A) is not a tobacco product as defined in 21 U.S.C. Sec. 321 and related  
66 federal regulations; or

67 [~~(ii)~~] (B) is not otherwise required under federal or state law to contain a nicotine  
68 warning; and

69 [~~(b)~~] (ii) contains nicotine.

70 [~~(7)~~] (b) A statement shall appear on the exterior packaging of a nicotine product  
71 described in Subsection [~~(6)~~] (7)(a) as follows:

72 "This product contains nicotine."

73 Section 2. **Effective date.**

74 This bill takes effect on May 1, 2024.