

Utah Department of Health and Human Services

Utah tobacco retailer education guide

September 2023



Utah Department of
Health & Human
Services

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How to use this guide



Overview of Utah tobacco laws and regulations

This section covers Utah state tobacco laws and rules that are applicable to retailers that sell tobacco, electronic cigarette, or nicotine products. Throughout the guide phrases such as 'tobacco laws' and 'Utah state tobacco laws and rules' are used interchangeably. When these types of phrases are used it covers tobacco products, electronic cigarette products, and nicotine products.

It also includes information about potential civil and criminal penalties if an employee or owner sells these products to individuals younger than 21 years of age, as well as other potential tobacco permit violations. This section can be used at the time of new-hire orientation and for ongoing training and education. It includes a quiz to test your understanding of training materials.



Owner/manager section

This section provides tips to create a tobacco, electronic cigarette, and nicotine product sales policy, and ideas on how to reinforce employee training. It provides answers to the employee quiz and information on where to go if you need more help and support.



Resource section

This section includes documents you can use with your employees. It also shows which resources (posters, window clings, and dated register stickers) are available to you at no charge.

Disclaimer

This guide is for informational and educational purposes only. It is your responsibility to know and comply with Utah tobacco laws and administrative rules. Using this guide and adopting the recommended policies does not constitute compliance with the laws and is not a defense if you or your employees are cited for violating any Utah code or administrative rule. Information contained in this guide is subject to change without further notice. For questions, please consult the [Where to go for help](#) section.

Tobacco retailers are responsible for staying up to date and in compliance with tobacco laws and regulations. The guide includes brief overviews of the law and reference links to the applicable laws and administrative rules.

Utah state laws:

The Utah state laws referred to in this guide can be found at the Utah State Legislature's website at www.le.utah.gov or the Utah Office of Administrative Rules' website at <https://rules.utah.gov/>. In addition, information about state laws and administrative rules are regularly updated on the Utah Department of Health and Human Services Tobacco Prevention and Control website at tobaccolaws.utah.gov.

Federal laws:

Utah tobacco retailers are also required to follow federal laws. For more information and retail education materials about the federal law, visit <https://www.fda.gov/tobacco-products>, or call 888-INFO-FDA (888-463-6332).

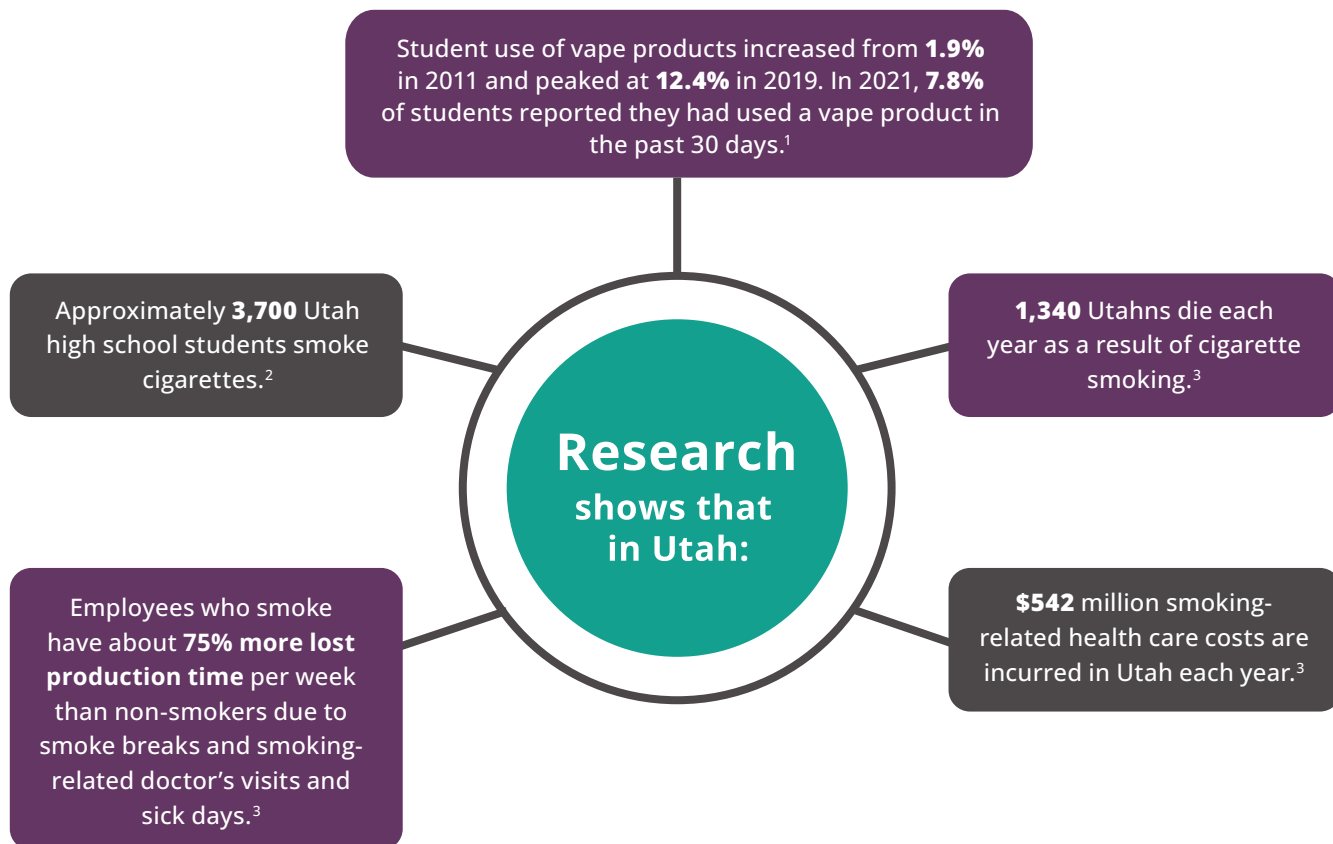
Local health department regulations or municipal ordinances:

Utah tobacco retailers may be required to follow local health department regulations and municipal ordinances. For questions about such requirements, contact your local health department. See the [Where to go for help](#) section for contact information.

Why underage sales prevention is important

Tobacco use is one of the main causes of disease, death, and suffering in Utah. In addition to its considerable impact on Utahns' health, tobacco use poses a significant economic burden.

Tobacco use prevention among individuals younger than 21 years of age is critical since nicotine addiction is linked to starting tobacco use during the teenage years. You and your staff can help decrease the damaging effects of tobacco use by preventing early access to tobacco, electronic cigarettes, and nicotine products.



References: (1)SHARP Survey, 2011 to 2021, odd years;
(2)Utah YRBS 2021; (3)CDC SAMMEC Online Application

Benefits of complying with Utah tobacco laws



Compliance with Utah tobacco laws can lead to benefits from your retailer and local health department.

While noncompliance with tobacco laws can lead to fines, compliance to these laws can lead to benefits from your employer and local health department:

- You may gain the respect of the community.
- You can help reduce the number of youth who may become addicted to tobacco or nicotine.
- Fewer individuals younger than 21 years of age will target your store for illegal purchases.

What this guide will do for your store

- Provide guidance for owners, managers, and employees on how to avoid illegal tobacco product, electronic cigarette product, and nicotine product sales to individuals younger than 21 years of age.
- Educate owners, managers, and employees about Utah tobacco laws and administrative rules to help reduce permit violations.
- Provide a documented training program and an employee agreement form. When signed and dated, this form may make the tobacco retailer eligible to receive a reduction in civil penalties if an illegal tobacco sale or violation against the retail permit occurs. Refer to [Utah Code § 26B-7-519](#) for more information.
- Provide a stand-alone training program or add to an existing retail tobacco training program.
- Provide resources and local contacts.



Retailers cannot sell tobacco products, electronic cigarette products, or nicotine products to individuals younger than 21

Utah underage sale tobacco laws

| | |
|--|---|
| Utah Code § 77-39-101 | Investigation of sales of alcohol, tobacco products, electronic cigarette products, and nicotine products to underage individuals. |
| Underage sale investigations will be conducted a minimum of 2 times within a 12-month period, unless there is a reasonable suspicion to believe the retailer sold a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21 years of age. | |
| Utah Code § 76-10-114 | Unlawful sale of a tobacco product, electronic cigarette product, or nicotine product. |
| Establishes criminal penalties for tobacco retailer employees or owners who knowingly or intentionally sell or give a tobacco product, an electronic cigarette product, or a nicotine product in the course of business to an individual who is younger than 21 years of age. | |
| Utah Code § 76-10-104.1 | Providing tobacco paraphernalia to a minor—penalties. |
| Prohibits providing tobacco paraphernalia to an individual younger than 21 years of age. | |
| Utah Code § 76-10-105 | Buying or possessing a tobacco product or an electronic cigarette product by a minor—penalties. |
| Makes it illegal for anyone younger than 21 years of age to buy, attempt to buy, accept, or have in their possession a tobacco product, an electronic cigarette product, or a nicotine product. | |
| Utah Code § 76-10-105.1 | Requirement of direct, face-to-face sale of a tobacco product, an electronic cigarette product, or a nicotine product—minors not allowed in retail tobacco specialty businesses—penalties. |
| An individual younger than 21 years of age may not enter or be present at a retail tobacco specialty business. | |
| Utah Code § 26B-7-518 | Penalties |
| Outlines specific penalties when permit violations occur. In addition, outlines general tobacco retailer owner-specific civil and administrative penalties enacted due to the sale of a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21 years of age. | |

The laws listed are summarized.

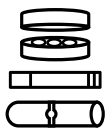




Product examples:

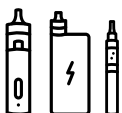
Utah Code § 77-39-101

Legal product definitions



Tobacco products

A cigar; a cigarette; or tobacco in any form, including: chewing tobacco; and any substitute for tobacco, including flavoring or additives to tobacco.



Electronic cigarette products

An electronic cigarette; an electronic cigarette substance; or a prefilled electronic cigarette

Electronic cigarette

Includes an oral device composed of a heating element, battery, or electronic circuit; and marketed, manufactured, distributed, or sold as: an e-cigarette; an e-cigar; an e-pipe; or any other product name or descriptor, if the function of the product meets the definition.

Electronic cigarette substance

Any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette. This can include products such as CBD vape products and wellness vapes.

Prefilled electronic cigarette

An electronic cigarette sold prefilled with an electronic cigarette substance.



Flavored electronic cigarette products

An electronic cigarette product with a taste or smell that is distinguishable by an ordinary consumer either before or during use or consumption of the electronic cigarette product.

- Includes: a product with a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice
- Does not include: a product with a taste or smell of only tobacco, mint, or menthol; or which has been approved by an order granting premarket tobacco product application of the electronic cigarette product by the United States Food and Drug Administration (FDA)



In fiscal year 2022, 8.8% of Utah tobacco retailers sold products to individuals younger than 21 years of age.



Nicotine products

An alternative nicotine product or a non-therapeutic nicotine product, including pure nicotine, snortable nicotine, dissolvable salts, orbs, pellets, sticks, or strips; and nicotine-laced food and beverage, or a tobacco product that contains nicotine; is not purchased with a prescription from a licensed physician; and is not approved by the United States FDA as nicotine replacement therapy.



Penalties for illegal sale of tobacco products, electronic cigarette products, and nicotine products

Criminal penalties and civil penalties can be given if the retailer sells tobacco products, electronic cigarette products, or nicotine products to an individual younger than 21 years of age.

Criminal penalties are imposed for an individual who sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21 years of age. [Utah Code § 76-10-114](#)

| Offense | Criminal penalty when someone sells to an individual younger than 21 years of age | |
|-------------|---|--|
| 1st Offense | Infraction | Maximum fine of \$1,000, or compensatory service |
| 2nd Offense | Class C misdemeanor | Maximum fine of \$2,000, or compensatory service |

Civil penalties are imposed on a **general tobacco retailer** when an individual sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21 years of age. [Utah Code § 26B-7-514](#), [Utah Code § 26B-7-517](#), [Utah Code § 26B-7-518](#)

| Violation | Civil penalty issued to a general tobacco retailer when someone sells to an individual younger than 21 years of age |
|-----------------|--|
| 1st Violation | \$1,000 penalty imposed on tobacco retailer \$2,000 penalty imposed on tobacco retailer when the violation is committed by the owner of the general tobacco retailer |
| 2nd Violation | \$1,500 penalty imposed on tobacco retailer \$5,000 penalty imposed on tobacco retailer and revocation of general tobacco retailer permit when the violation is committed by the owner of the general tobacco retailer ^ <i>Violations and penalties are based on the second violation within 2 years of the first violation</i> |
| 3rd Violation* | Suspension of the tobacco permit for 30 consecutive business days, or \$2,000 penalty imposed on tobacco retailer ^ <i>Violations and penalties are based on the third violation within 2 years of the previous 2 violations</i> |
| 4th Violation** | \$2,000 penalty imposed on tobacco retailer and revocation of general tobacco retailer permit ^ <i>Violation and penalties are based on the fourth violation within 2 years of the previous 3 violations</i> |

*Tobacco retailers with a suspended permit may not apply for a new permit for any other tobacco retailer for a period of 12 months.

**Tobacco retailers with a revoked permit may not apply for a new permit for any other tobacco retailer for a period of 24 months.





Penalties for illegal sale of tobacco products, electronic cigarette products, and nicotine products

Civil penalties are imposed on a **retail tobacco specialty business** when an individual sells a tobacco product, an electronic cigarette product, or nicotine product to an individual younger than 21 years of age. Utah Code § 26B-7-514, Utah Code § 26B-7-517, Utah Code § 26B-7-518

| Violation | Civil penalty issued to a retail tobacco specialty business when someone sells to an individual younger than 21 years of age. |
|-----------------|---|
| 1st Violation* | \$5,000 penalty imposed on tobacco retailer and immediately suspend the permit for 30 consecutive days. The local health department may also recommend the municipality revoke the retail tobacco specialty business licensed issued under <u>10-8-41.6</u> or <u>17-50-333</u> . |
| 2nd Violation** | \$10,000 penalty imposed on tobacco retailer and revoke the tobacco permit for the retail tobacco specialty business ^ Violation and penalties are based on the second violation within 2 years of the first violation |

*Tobacco retailers with a suspended permit may not apply for a new permit for any other tobacco retailer for a period of 12 months.

**Tobacco retailers with a revoked permit may not apply for a new permit for any other tobacco retailer for a period of 24 months.

Other civil penalty considerations

- Civil monetary penalties can be reduced if the tobacco retailer has proof of a documented employee training program and evidence that employees have completed the training program within 30 days after the day in which each employee begins the duties of selling a tobacco product, an electronic cigarette product, or a nicotine product. Utah Code § 26B-7-519
- This Utah tobacco retailer education guide and training quiz is an approved employee training program. Tobacco retail owners and employees can take a free online quiz at <https://tobaccolaws.utah.gov/retailer-training/#anchor1>. Upon completion, the quiz provides participants with an email confirmation that can be used as proof of training documentation.
- The civil penalty is the tobacco retailer's responsibility. Withholding or diverting employee wages to pay civil penalties may not be legal. For questions, call the numbers below:
 - State: Utah State Labor Commission—Wage Claim Unit, 801-530-6801
 - Federal: U.S. Department of Labor/Wages and Hour Division—Information Officer, 801-524-5706





How to check a customer's ID

Acceptable and unacceptable forms of identification

It is often hard to identify if an individual is of legal age to buy tobacco products, electronic cigarette products, and nicotine products. To avoid making an illegal sale, be sure to follow the Food and Drug Administration law: Check the photo identification (ID) of all customers who appear to be younger than 27 years of age (or older, according to store policy) who attempt to purchase tobacco products, electronic cigarette products, and nicotine products.

In addition, effective July 1, 2020, all retail tobacco specialty businesses are required to electronically verify the ID of all individuals who enter and purchase tobacco products, electronic cigarette products, and nicotine products. Scanned information obtained must be kept for 180 days and is subject to inspection by enforcing agencies.

Federal Law 21 C.F.R. §1140.14(b)

Requires a tobacco retailer to check the photo identification of a customer buying tobacco if the customer is younger than 27 years of age.

Utah Code § 26B-7-511

Utah Code § 26B-7-521

Retail tobacco specialty business shall require that an employee electronically verify proof of age.

Acceptable and unacceptable forms of identification

For an ID to be valid, it must meet all of the following criteria:

- Government issued
- Current and valid (make sure the ID is not expired)
- Contains a photo that matches the person who presents the ID
- Includes a date of birth (DOB) of an individual aged 21 or older
- Does not appear to be fake or altered

Examples of acceptable ID include:

- A state-issued driver license
- Current state identification card
- Current passport including US passports and other countries
- Current military identification card
- Permanent resident card (Green card)

Examples of unacceptable ID include:

- Any document that states it may not be used as a form of ID
- Driving privilege card
- Novelty ID card
- Tribal-issued ID
- Social Security card

You may need to ask customers to take their ID out of their wallet or purse so you can get a closer look. You may also need to ask customers to remove glasses or hats to make sure they match the person in the photo. **If you have any doubts about the validity or authenticity of the ID, refuse the sale.**



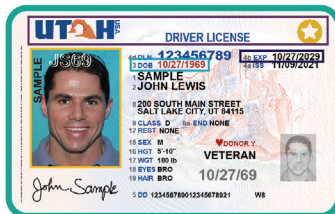
Utah driver license card—younger than 21



Utah identification card—younger than 21



U.S. Permanent resident card—older than 21



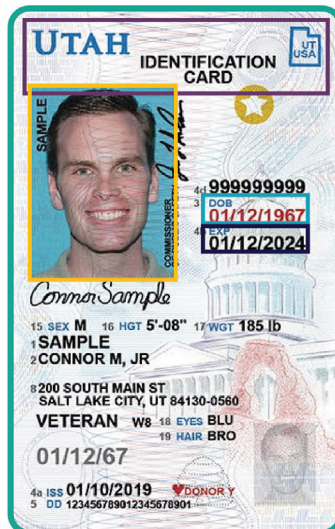
Utah driver license card—older than 21

For Utah driver licenses and identification cards

The words “Under 21 Until” appear to the right of portrait in red. Blue language “Under 19 Until” is no longer relevant.

For Utah driver licenses

Vertical format for individuals who are younger than 21.



Utah identification card—older than 21



U.S. passport—older than 21

Common mistakes

- Overriding the computerized system for someone who appears younger than 27 years of age
- Asking for ID and then not checking the age or miscalculating the age
- Accepting ID that is not a valid government-issued photo ID
- Asking for a customer's date of birth instead of checking the ID
- The clerk mistaking an individual younger than 21 years of age for an adult customer who is at least 21 years of age and a “regular”
- Inputting a random date of birth or clerk's own date of birth into the computer

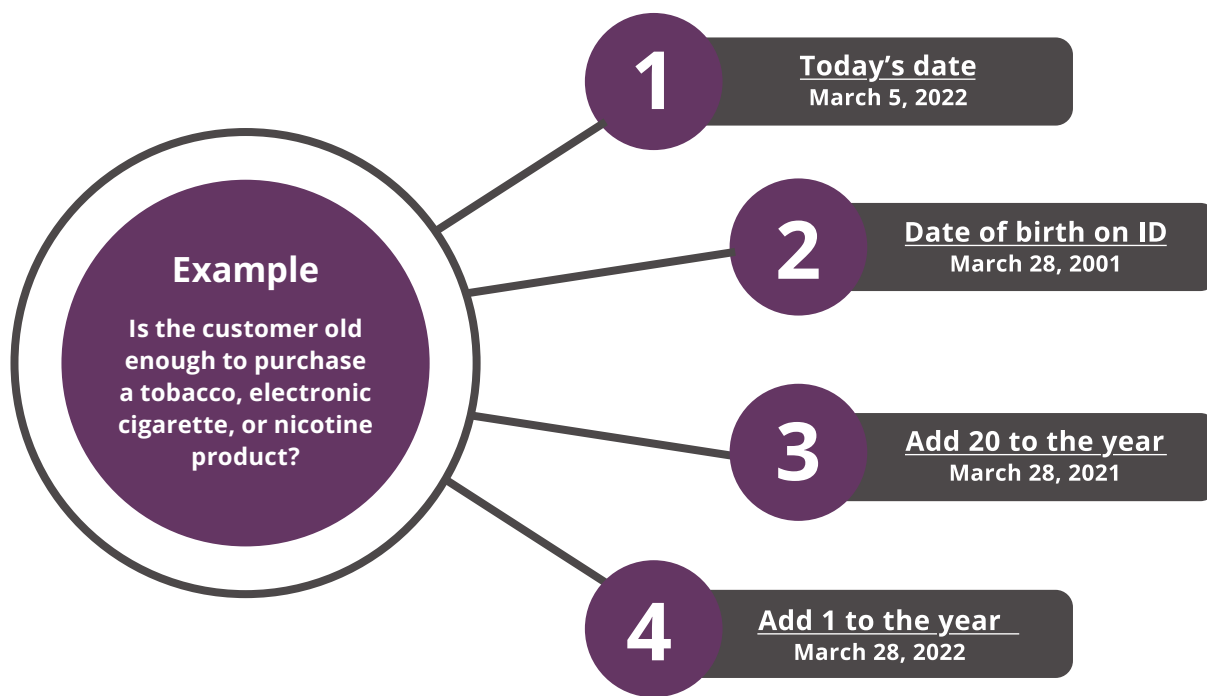
Remember: You must check the date of birth on the ID to determine if the customer is of legal age to purchase tobacco products, electronic cigarette products, and nicotine products. Even if a customer shows a current and valid ID, such as a military ID or passport, he or she may still not be old enough to buy tobacco products, electronic cigarette products, and nicotine products.



How to check a customer's ID

How to determine if a customer is old enough/How to refuse an illegal sale

To figure out if a customer is old enough to buy a tobacco, an electronic cigarette, or a nicotine product, just add 20 and add 1 = year in which the customer will turn 21 years of age.



Selling is illegal

The customer will not be 21 years old until March 28, 2022. It is not legal to sell tobacco, electronic cigarette, and nicotine products to this customer.

How to refuse an illegal sale of tobacco products, electronic cigarettes, or nicotine products

- Always ask for ID before you get tobacco products, electronic cigarette products, and nicotine products.
- Give a firm, yet polite, response.
- State the reason you cannot sell the product.
- Shift your attention to the next customer.



How to check a customer's ID

Sample illegal sale situations

Underage customer with ID

When a customer's ID shows they are not old enough, remind them that they must be 21 years of age to legally purchase tobacco products, electronic cigarette products, and nicotine products.

- **What to say:** "I'm sorry, it's against the law for me to sell tobacco products, electronic cigarette products, and nicotine products to anyone younger than 21."

Underage customer purchasing for an adult

If parents or other adults send an individual younger than 21 years of age to purchase tobacco products, electronic cigarette products, or nicotine products for them, explain that someone who is at least 21 years old must come in to make the purchase.

- **What to say:** "I'm sorry, it's against the law for me to sell tobacco products, electronic cigarette products, and nicotine products to anyone younger than 21."

Customer without ID who appears underage

If a customer does not have ID, don't accuse them of being younger than 21 years of age.

- **What to say:** "I must see a valid ID to determine whether I can sell this to you."

Customer without ID who appears over 21 years of age but younger than 27 years of age

If a customer clearly looks at least 21 years of age but appears younger than 27 years of age, federal law requires that you must check ID.

- **What to say:** "I'm sorry, federal law requires that I check the ID of all customers who appear to be younger than 27 (or older depending on your store policy). If I don't, I could be fined or lose my job."

Adult buying for someone underage

If you have reason to believe a customer older than 21 years of age is attempting to purchase tobacco products, electronic cigarette products, and nicotine products for an individual younger than 21 years of age, you must refuse the sale. (The customer could be an underage individual's parent, sibling, friend or stranger.)

- **What to say:** "I'm sorry, it appears that you may be purchasing this for an individual younger than 21, so I cannot sell you this product. It is illegal to provide tobacco products, electronic cigarette products, and nicotine products to anyone younger than 21."

Friend of clerk who is underage attempts to purchase

Don't be tempted to sell to your underage friends.

- **What to say:** "It's nothing personal; it's just the law. If I sell tobacco products, electronic cigarette products, and nicotine products to you, I could be fined and lose my job."

What if a customer becomes disagreeable?

- Stay calm.
- Don't argue with the customer.
- Refer the customer to your supervisor or manager.
- Offer to get a police officer's opinion.



How to check a customer's ID

Common questions



The best way to protect yourself from violating the law is to carefully check every ID.

Question #1

Why is it recommended that customers who appear to be younger than 27 years of age present a photo ID?

- It is hard to judge the age of teens and young adults simply from the way they look. Federal law requires you to check and verify the ID of anyone who is younger than 27 years of age. Your store may have an older age requirement. Some companies have also entered into agreements with their attorney general's office that require checking and verifying the ID of purchasers who appear older than 27 years of age (e.g., 35 or 40 years old).

Bottom line: The best way to protect yourself from violating the law; being assessed monetary or criminal penalties; or the suspension or revocation of your health department tobacco permit to sell tobacco products, electronic cigarette products, or nicotine products, is to carefully check every ID and verify that it is valid and current.

Question #2

Do the police have to see or witness the illegal sale take place in order for a citation to be given?

- No. A citation can be given even if the police officer does not witness the sale, but he or she must have sufficient evidence of the sale.

Question #3

Are the police using deception to issue citations by using buyers younger than 21 years of age?

- No. The police are trying to help reduce the accessibility of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 years of age and test for compliance with tobacco laws, not to trick clerks into a citation. The simplest way to prevent an underage sale is to require a current and valid form of identification be presented at every purchase.



Steps to be licensed and permitted to sell tobacco products, electronic cigarette products, and nicotine products

Utah law requires retailers to go through the following steps before they can advertise, display, or sell tobacco products, electronic cigarette products, and nicotine products:

1. Go to the Utah Department of Commerce to register the business.
2. Obtain a tobacco license from the Utah State Tax Commission. You may also need to get a bond.
3. Obtain a tobacco permit from the local health department where the business is located.
4. Obtain a business license from the city and/or county licensing office where the business is located.

There are 2 different types of tobacco retailers:

- **General tobacco retailer:** These retailers can sell tobacco products, electronic cigarette products (only mint, menthol and tobacco flavors, as well as any flavored product approved with a PMTA by the US FDA), and nicotine products. Examples of general tobacco retailers include convenience stores, gas stations, grocery stores, etc. If a general tobacco retailer meets any of the retail tobacco specialty business qualifications, they will need to apply and meet the requirements to receive a retail tobacco specialty business permit. Please see requirements on the following page.
- **Retail tobacco specialty business:** These types of retailers have the option to sell tobacco products, electronic cigarette products (any flavor), and nicotine products. These stores meet at least 1 of the retail tobacco specialty business qualifications below and must follow additional requirements. Examples of retail tobacco specialty businesses include vape shops, smoke shops, etc.

Utah tobacco licensing and permitting laws:

Utah Code § 59-14-201

License—application of part—fee—bond—exceptions

It is unlawful for any person in this state to manufacture, import, distribute, barter, sell, exchange, or offer cigarettes for sale without first having obtained a license issued by the commission.

Utah Code § 59-14-301

Licensing—fee—bond exceptions

All manufacturers and distributors of all tobacco products, as defined in Section 59-14-102, who are responsible for the collection of tax on tobacco products under this chapter and all retailers of all tobacco products.

Utah Code § 59-14-803

License to sell electronic cigarette product or nicotine product

Utah Code § 26B-7-507

Permitting requirement

A tobacco retailer shall hold a valid tobacco retail permit issued in accordance with this chapter by the local health department with jurisdiction over the physical location where the tobacco retailer operates.

Utah Administrative Rule R384-324

Tobacco product, electronic cigarette product, and nicotine product retailer permit process



Retail tobacco specialty business requirements

A retailer is required to obtain a retail tobacco specialty business permit if at least **1** of the following is true:

- Sale of tobacco products, electronic cigarette products, and nicotine products accounts for more than 35% of the total quarterly gross receipts for the establishment;
- 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; or
- 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products.
- The commercial establishment:
 - ☐ holds itself out as a retail tobacco specialty business; and
 - ☐ causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business.
- Any flavored electronic cigarette product is sold; or
- The retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products. [Utah Code § 10-8-41.6](#), [§ 17-50-333](#)

Retail tobacco specialty businesses are subject to the following additional requirements:

1. Proximity—to be permitted as a retail tobacco specialty business, the business may not be located within:
 - ☐ 1,000 feet of a community location*, or 1,000 feet of a public or private K-12 school; or
 - ☐ 600 feet of another retail tobacco specialty business; or
 - ☐ 600 feet of property used or zoned for agricultural or residential use. [Utah Code § 10-8.41.6\(1\)\(a\)](#), [§ 17-50-333\(1\)\(a\)](#)
2. Prominently display a sign on the public entrance of the retail tobacco specialty business that communicates individuals younger than 21 may

not enter or be present at the tobacco specialty business (e.g., must be 21 or older to enter) and that the sale of tobacco products and electronic cigarette products to individuals younger than 21 is prohibited. [Utah Code § 26B-7-511](#), [§ 76-10-105.1\(4\)](#)

- Verification of proof of age. As of July 1, 2020, all retail tobacco specialty businesses are required to electronically verify the ID of all individuals who enter the premises and purchase tobacco products, electronic cigarette products, and nicotine products. [Utah Code § 26B-7-511](#), [§ 26B-7-521](#)
3. May not employ an individual younger than 21 years old; or permit an employee younger than 21 years old to sell a tobacco product, an electronic cigarette product, or a nicotine product. [Utah Code § 26B-7-511](#)

Utah retail tobacco specialty business laws:

Utah Code § 10-8-41.6 Utah Code § 17-50-333

Regulation of retail tobacco specialty business.

Utah Code § 26B-7

Tobacco, electronic cigarette, and nicotine product retail permit.

Utah Administrative Rule R384-324

Tobacco product, electronic cigarette product, and nicotine product retailer permit process.

Utah Code § 76-10-105.1

Requirement of direct, face-to-face sale of a tobacco product, an electronic cigarette product, or a nicotine product—minors not allowed in tobacco specialty shop—penalties.



Common questions

Question #1

How do I know if the retailer has a tobacco state tax license and a tobacco permit from its local health department?

1. Ask the retailer to provide these documents. If the retailer cannot provide the documents, reach out to the Utah State Tax Commission for the license and ask the local health department where the retailer is located to provide the permit. (See [Where to go for help](#) section.)

Question #2

Is gas/fuel included in the total gross receipts to determine what type of permit a retailer needs?

- Yes. The total gross receipts for a retailer does include gas/fuel.

Question #3

Do I have to follow the order of getting a tax commission license first and then a tobacco retail permit from my local health department if I'm in a hurry to get my business open and established?

- Yes. Utah law is specific in requirements for first obtaining a tax commission license; second, a tobacco retail permit from your local health department; and last, a municipal business license.

Question #4

Where can we get the signage for a retail tobacco specialty business?

- Your local health department can provide these stickers for you. See [Where to go for help](#) section.

Question #5

A retail tobacco specialty business cannot employ a person younger than 21 to sell tobacco products, electronic cigarette products, or nicotine products. Does the same apply for a general tobacco retailer?

- No. There is no age limit for an employee to sell tobacco products, electronic cigarette products, or nicotine products at a general tobacco retailer.

Question #6

Will the local health department notify me that my tobacco retail permit is going to expire?

- No. The local health departments are not required to give you notice about expiring permits; however, most local health departments do this as a courtesy. In an attempt to make sure that your permit does not expire, you may want to add a note to your calendar so you are aware. Reminder: You can apply for your tobacco retail permit up to 30 days before expiration.

Question #7

What happens if I forget to renew my tobacco permit and it expires?

- As soon as possible, reach out to your local health department to figure out your next steps on how to reinstate your tobacco permit, which may include an increased permit fee for reinstatement. Remember: if your permit expires, you cannot advertise, display or sell tobacco products, electronic cigarette products, and nicotine products.



Tobacco retail permit inspections



If the local health department staff member identifies a violation during an inspection, they may provide a warning or violation to the retailer.

Local health department staff conduct routine inspections at tobacco retail establishments. If the local health department staff member identifies a violation during an inspection, they may provide a warning or violation to the retailer, and it is the responsibility of the retailer to fix the issue.

Additional inspections that may be conducted by the local health department staff include:

- Follow-up inspections for previous warnings or violations
- Inspections due to complaints received from the public about potential violations

A local health department may inspect a tobacco retailer to determine whether the tobacco retailer ([Utah Code § 26B-7-516](#)):

- Continues to meet the qualification for the tobacco permit issued;
- Continues to meet the requirements for a retail tobacco specialty business permit; (if applicable)
- Engages in a pattern of unlawful activity;
- Violates any of the regulations restricting the sale and distribution of cigarettes and smokeless tobacco issued by the United States Food and Drug Administration under [21 C.F.R. Part 1140](#); or
- Violates any other provision of state law or local ordinance.

Utah Code § 26B-7

Tobacco, electronic cigarette, and nicotine product retail permit.

Utah Code § 10-8-41.6

Utah Code § 17-50-333

Regulation of retail tobacco specialty business.

Utah Code § 76-10-16

Pattern of unlawful activity act.



Civil penalties for violating terms of a tobacco, electronic cigarette, and nicotine product retail permit

Civil penalties may be imposed on a tobacco retailer for violating the terms of a tobacco, electronic cigarette, and nicotine product permit. Utah Code § 26B-7-514

| Violation | Civil penalty for violation of the terms of a tobacco, electronic cigarette, and nicotine product retail permit |
|-----------------|---|
| 1st Violation | Impose fine of \$1,000 on tobacco retailer |
| 2nd Violation | Impose fine of \$1,500 on tobacco retailer <i>^ Violation and penalties are based on the second violation within 1 year of the first previous violation.</i> |
| 3rd Violation* | Suspension of tobacco permit for 30 consecutive business days, or imposed fine of \$2,000 on the tobacco retailer <i>^ Violation and penalties are based on the third violation within 2 years of the previous 2 violations.</i> |
| 4th Violation** | Impose a fine of \$2,000 on tobacco retailer and revoke tobacco permit <i>^ Violation and penalties are based on the fourth violation within 2 years of the previous 3 violations. If applicable, the local health department may also recommend the municipality revoke the retail tobacco specialty business license issued under Utah Code <u>Utah Code 10-8-41.6</u> or <u>Utah Code 17-50-333</u> be revoked.</i> |

* Tobacco retailers with a suspended permit may not apply for a new permit for any other tobacco retail for a period of 12 months.

** Tobacco retailers with a revoked permit may not apply for a new permit for any other tobacco retailer for a period of 24 months.

Other civil penalty considerations

- Civil monetary penalties (Utah Code § 26B-7-519) can be reduced if the tobacco retailer has proof of a documented employee training program and evidence that employees have completed the training program within 30 days of the day on which each employee begins the duties of selling a tobacco product, an electronic cigarette product, or a nicotine product.
- This Utah tobacco retailer guide, and its corresponding training quiz, is an approved employee training program. Tobacco retail owners and employees can take a free online quiz at <https://tobaccolaws.utah.gov/retailer-training/#anchor1>. Upon completion, the free online quiz provides participants with an email confirmation of participation that can be used as proof of training documentation. Utah Code 26B-7-519
- The civil penalty is the tobacco retailer's responsibility. Withholding or diverting employee wages to pay civil penalties may not be legal. For questions, call the numbers below:

State: Utah State Labor Commission—Wage claim unit, 801-530-6801

Federal: U.S. Department of Labor/Wages and Hour Division—Information officer, 801-524-5706

During a tobacco retail inspection, the local health department may inspect the following items to determine whether your business continues to comply with the law and provide education. It is your responsibility to understand and comply with the law of which any violation could result in your business receiving warnings or notices of violations.



Tobacco, electronic cigarette, and nicotine product requirements

Requirements to sell electronic cigarettes

The Utah Department of Health and Human Services has established requirements to sell an electronic cigarette product regarding labeling, prohibited sales, nicotine content, packaging, and product quality for non-manufacturer-sealed electronic cigarette substances and manufacturer sealed electronic cigarette products. [Utah Code § 26B-7](#), [Utah Administrative Rule R384-415](#)

- **Electronic cigarette product:** an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette. [Utah Code § 76-10-101\(5\)](#)
- **Electronic cigarette:** any electronic oral device that provides an aerosol or a vapor of nicotine or other substance; and which simulates smoking through the use or inhalation of the device. [Utah Code § 76-10-101\(4\)](#)
- **Electronic cigarette substance:** any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette. [Utah Code § 76-10-101\(6\)](#)
- **Manufacturer-sealed electronic cigarette substance:** an electronic cigarette substance sold in a container that is prefilled by the electronic cigarette substance manufacturer; and the electronic cigarette manufacturer does not intend for a consumer to open. [Utah Code § 26B-7-501](#), [Utah Code § 76-10-101\(14\)](#).

The above definitions include products such as CBD (industrial hemp) vape products*, wellness vape products, etc. In order for these products to be sold at a retailer, the products need to meet the qualifications of [Utah Administrative Rule R384-415](#).

*Any industrial hemp products that are either a non-manufacturer-sealed electronic cigarette substance, or a manufacturer-sealed electronic cigarette product must also comply with:

Utah Code § 4-41-1

Industrial hemp.

Utah Administrative Rule R68-26

Industrial hemp product registration and labeling.

[Utah Administrative Rule R384-415](#) has been in place since:

- July 1, 2017, for non-manufacturer-sealed electronic cigarette substances (otherwise known as e-liquids or e-juice).
- September 9, 2021, for manufacturer-sealed electronic cigarette products (otherwise known as sealed electronic cigarette pods, cartridges and disposables).

Labeling. R384-415-3

Labels should be clear and list accurate information. The rule requires:

- The labels have a safety warning.
- The safety warning should take up 30% of the container's display panel.
- Products that contain nicotine must follow the same safety warning standards as required by the FDA and state: "WARNING: This product contains nicotine. Nicotine is an addictive chemical."
- The warning for nicotine-free non-manufacturer-sealed electronic cigarette substances states: "WARNING: Keep away from children and pets."

See [Utah Administrative Rule R384-415-3](#) for full guidance.

Prohibited sales. R384-415-4

Products shall not be sold if they are labeled as having:

- Additives that create the impression that the product has a health benefit;
- Additives that are associated with health or energy;
- Illegal drugs; and
- Additives that color the vapor.



Tobacco, electronic cigarette, and nicotine product requirements

Nicotine content. R384-415-5

A retailer is prohibited from selling a non-manufacturer sealed electronic cigarette substance or a manufacturer sealed electronic cigarette product to the consumer if the product is not compliant with one of the following:

- (a) the nicotine concentration for an electronic cigarette product or substance that is not subject to a PMTA denial order from the FDA:
 - ☐ (i) for a non-manufacturer sealed electronic cigarette substance is limited to 360 mg nicotine per container, or does not exceed a 24mg/mL concentration of nicotine; or
 - ☐ (ii) for a manufacturer sealed electronic cigarette product is limited to 5% by weight per container or does not exceed a 59mg/mL concentration of nicotine;
- (b) the electronic cigarette product or substance received a PMTA denial from the FDA, but FDA or a court order permits ongoing sales during the pendency of an appeal; or
- (c) the electronic cigarette product or substance received a PMTA approval from FDA.

Packaging. R384-415-6

- Non-manufacturer-sealed electronic cigarette substance:
 - ☐ Packaging needs to meet the standard of child resistance laid out by the FDA and comply with federal standards and laws concerning child nicotine poisoning prevention. (In most cases, this document for proof is called the General Certificate of Conformity or something similar.)
- Non-manufacturer-sealed electronic cigarette products and manufacturer-sealed electronic cigarette products:
 - ☐ Shall be sold in the product's original packaging
 - ☐ Cannot be repackaged or dispensed for retail sale
- Manufacturer-sealed electronic cigarette products:
 - ☐ Not intended to be opened by a retailer or a consumer cannot be refilled

Product quality. R384-415-7

Retailers shall only sell or offer for sale electronic cigarette products that:

- Meet federal tobacco product standards
- Have a premarket tobacco application (PMTA) or substantial equivalence application (SE) review

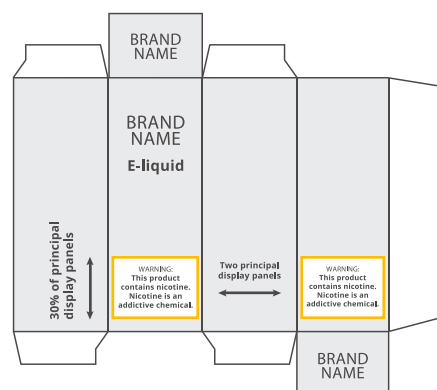
A manufacturer or retailer may continue to sell an electronic cigarette product that has not yet received an affirmative marketing order from the FDA by September 9, 2021, if the following criteria are met:

- The electronic cigarette product complies with all of the requirements of Administrative Rule R384-415;
- The manufacturer submitted a timely PMTA or SE to the FDA by September 9, 2020; and
- The FDA has not issued a written marketing denial order.

Record keeping and testing. R384-415-8

- Retailers shall provide non-manufacturer-sealed electronic cigarette substance transaction statements, or manufacturer-sealed electronic cigarette product transaction statements, to confirm their products meet the requirements of the state rule, to the local health department within 14 calendar days of a request.
- Retailers shall have access to the non-manufacturer-sealed electronic cigarette substance transaction statements, or manufacturer-sealed electronic cigarette product transaction statements, that confirm that the products meet the requirements of the state rule for a period of 2 years after the retailer purchases the products.

If these documents are not provided when requested, it could result in a violation/civil penalty against the retail permit.



See Utah Administrative Rule R384-415-3 for full guidance.



Tobacco, electronic cigarette, and nicotine product requirements

Flavored electronic cigarettes

1. Tobacco retailers permitted as a retail tobacco specialty business are allowed to sell flavored electronic cigarettes.
2. Tobacco retailers permitted as a general tobacco retailer are prohibited from gifting, distributing, selling, offering for sale, or furnishing a flavored electronic cigarette product. [Utah Code § 76-10-113\(1\)](#)

Along with a possible violation/civil penalty for the retailer if not in compliance with [Utah Code § 26B-7-514](#), the individual who is in violation may be issued a criminal penalty [Utah Code § 76-10-113\(2\)](#):

- Class C misdemeanor on the first offense;
- Class B misdemeanor for each subsequent offense.

Utah Code § 76-10-101(7)

Flavored electronic cigarette product.

Utah Code § 26B-7-514

Permit violation.

Utah Code § 76-10-113

Prohibition on distribution of flavored electronic cigarette products.

Flavored electronic cigarette product

An electronic cigarette product with a taste or smell distinguishable by an ordinary consumer either before or during use or consumption of the electronic cigarette product.

Includes: a product with a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

Does not include: a product with a taste or smell of only tobacco, mint, or menthol; or has been approved by an order granting premarket tobacco product application of the electronic cigarette product by the US FDA.





Tobacco, electronic cigarette, and nicotine product requirements

Itemized receipts and transaction logs

As of July 1, 2020, all tobacco retailers shall provide the customer with an itemized receipt for each sale of a tobacco product, an electronic cigarette product, or a nicotine product that separately identifies ([Utah Code § 26B-7-512](#)):

- The name of the tobacco product, the electronic cigarette product, or the nicotine product;
- The amount charged for each tobacco product, electronic cigarette product, or nicotine product; and
- The date and time of the sale.

In addition, all tobacco retailers are required to maintain an itemized transaction log for each sale of a tobacco product, an electronic cigarette product, or a nicotine product that separately identifies ([Utah Code § 26B-7-512](#)):

- The name of the tobacco product, the electronic cigarette product, or the nicotine product;
- The amount charged for each tobacco product, electronic cigarette product, or nicotine product; and
- The date and time of the sale.

The itemized transaction log shall be ([Utah Code § 26B-7-512](#)):

- Maintained by tobacco retailers for at least 1 year after the date of each transaction in the itemized transaction log;
- Made available to an enforcing agency or a peace office at their request.

Utah Code § 26B-7-512

Requirements for the sale of tobacco product, electronic cigarette product, or nicotine product.

Utah Code § 26B-7-514

Permit violation.



Tobacco, electronic cigarette, and nicotine product requirements

Gifts of tobacco products and electronic cigarette products

- Retailers cannot give or distribute any smokeless tobacco, chewing tobacco, electronic cigarette products, cigarettes or other tobacco products to customers without charge.
- Retailers cannot sell, offer for sale, or furnish any electronic cigarette products at less than cost nor can they discount electronic cigarette products below cost when the customer makes another purchase.
- There are exceptions to these laws. Businesses can give free smokeless tobacco, chewing tobacco, electronic cigarette products, cigarettes, and other tobacco products:
 - At professional conventions where the general public is excluded.
- Cigarettes and other tobacco products can be given to an individual who is 21 years old or older if the individual purchases a tobacco product.

Along with a possible violation/civil penalty against the retail permit if not in compliance with [Utah Code § 26B-7-514](#); the individual who is in violation may be issued a criminal penalty:

- Class C misdemeanor on the first offense;
- Class B misdemeanor for each subsequent offense.

Utah Code § 76-10-111

Prohibition of distribution of a tobacco product—exceptions.

Utah Code § 76-10-112

Restrictions on sale of smokeless tobacco or electronic cigarette products—exceptions.

Utah Code § 26B-7-514

Permit violation.

In-person sales

In-person sale law is meant to keep tobacco products, electronic cigarette products, and nicotine products away from individuals younger than 21 years of age.

A tobacco retailer can only sell tobacco products, electronic cigarette products, or nicotine products to a customer in person; meaning a business cannot sell any of these products to a Utah customer by telephone, mail, the internet, or through self-service displays.

The 2 exemptions to this law:

1. Tobacco retailers are allowed to sell tobacco products, electronic cigarette products, or nicotine products by telephone, mail, or the internet only to buyers who have a tobacco license.
2. Retail tobacco specialty businesses are allowed to have self-service displays, such as vending machines.

Along with a possible violation/civil penalty against the retail permit if not in compliance with [Utah Code § 26B-7-514](#); the individual who is in violation may be issued a criminal penalty:

- Class C misdemeanor on the first offense;
- Class B misdemeanor on the second offense; and
- Class A misdemeanor on any subsequent offenses.

Utah Code § 76-10-105.1

Requirement of direct, face-to-face sale of a tobacco product, an electronic cigarette product, or a nicotine product—minors not allowed in a tobacco specialty shop—penalties.



Tobacco, electronic cigarette, and nicotine product requirements

Utah Code § 59-14-808

Utah Code § 59-14-509

Restrictions on mail order or internet sales.

Utah Code § 76-10-101

Definitions.

Utah Code § 76-10-111

Prohibition of distribution of a tobacco product—exceptions.

Utah Code § 26B-7-514

Permit violation.

Utah Code § 76-10-105.1

Requirement of direct, face-to-face sale of a tobacco product, an electronic cigarette product, or a nicotine product—minors not allowed in a tobacco specialty shop—penalties.

Utah Code § 26B-7-514

Permit violation.

Self-service displays and vending machines

The purpose of this law is to prevent individuals younger than 21 years of age from having direct access to tobacco products, electronic cigarette products, and nicotine products.

Utah laws restrict how retailers sell tobacco products, electronic cigarette products, and nicotine products to the public.

- Retailers cannot use vending machines or self-service displays for tobacco products, electronic cigarette products, and nicotine products.

The only exception to this code:

- Tobacco retailers permitted as a retail tobacco specialty business can use vending machines or self-service displays.

Tobacco retailers permitted as a general tobacco retailer must keep tobacco products, electronic cigarette products, and nicotine products out of the reach of their customers.





Tobacco, electronic cigarette, and nicotine product requirements

Advertising

According to research, tobacco advertising affects youth twice as much as adults. One-third of youth try smoking because of advertisements from tobacco companies. As such, there are laws in Utah about how commercial tobacco can be advertised:

1. In Utah, tobacco retailers cannot advertise a tobacco product, an electronic cigarette product, or a nicotine product unless they are both licensed and permitted to sell these products. (In addition to a civil penalty against a tobacco retailer, any person found in violation of this section could be issued a criminal penalty of a Class B misdemeanor.)
2. If a business is allowed to advertise electronic cigarette products, it cannot market the products as cessation devices.

Utah Code § 76-10-101

Definitions.

Utah Code § 76-10-102

Cigarettes and tobacco—advertising restriction—warnings in smokeless tobacco advertisements.

Utah Code § 26B-7-505

Electronic cigarette products—labeling—requirements to sell—advertising.

Utah Code § 26B-7-514

Permit violation.

Businesses are not allowed to sell tobacco paraphernalia to individuals younger than 21 years of age.

- Tobacco paraphernalia means equipment, product, or material of any kind that is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a tobacco product, an electronic cigarette substance, or a non-therapeutic nicotine device substance into the human body.
 - ☐ Examples include, but are not limited to, metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; water pipes; roach clips; bongs, etc. For a full list of tobacco paraphernalia, see Utah Code § 76-10-101(18).
 - ☐ DOES NOT include matches or lighters.

If a violation of this section is found, a violation/civil penalty may be issued against the tobacco retailer's permit. If a retailer sells tobacco paraphernalia to an individual younger than 21 years of age, it could result in a criminal penalty. [Utah Code § 76-10-104.1](#)

| Offense | Penalty |
|--------------------|---------------------|
| 1st Offense | Class C misdemeanor |
| Subsequent Offense | Class B misdemeanor |

Utah Code § 76-10-104.1

Providing tobacco paraphernalia to a minor—penalties.

Utah Code § 76-10-101(18)

Product definition.

Tobacco paraphernalia

A retailer who sells tobacco paraphernalia must hold a valid tobacco retailer permit, provide a customer with an itemized receipt, and maintain an itemized transaction log of each sale.



Tobacco, electronic cigarette, and nicotine product requirements

Common questions

Question #1

Does the local health department let the store know when they are coming to do an inspection?

- Normally, inspections are unannounced. However, this can vary depending on what guidelines your local health department has established.

Question #2

What happens if we receive a violation from an inspection?

- This can vary depending on your local health department. In most cases, the local health department may provide education during the inspection on violations they find and, after returning to the office, will send an official notice of violation letter. In the letter, they will offer a hearing in which you can plead your case and possibly reduce the monetary penalty.

Question #3

If I work for a convenience store, can we sell CBD and/or wellness vape products including e-liquid, pods, cartridges or disposables, or can only tobacco specialty stores sell these products?

- A general tobacco retailer such as a convenience store can sell these types of products. However, because these products are considered electronic cigarette products, they must follow all Utah code and administrative rules that include only selling tobacco, mint or menthol flavors, or a flavor that has been approved by the US FDA.

Question #4

Will I receive a violation if we offer a receipt to a customer for a tobacco, electronic cigarette, or nicotine product, but they refuse it?

- In most cases, no. Offering the receipt is sufficient as you have no control over whether a customer will accept it or not. If you would like to know how your local health department approaches this issue, use the [Where to go for help](#) section of this guide and reach out to find out more.

Question #5

In a general tobacco retail store, can we sell flavored electronic cigarette products if they are mixed with 1 of the allowed flavors that can be sold in these types of stores (examples: lemon mint, chocomint, etc.)?

- No. [Utah code 76-10-101\(7 or 8\)](#) only provides an exception for non-flavored e-cigarette products that have the taste or smell of only mint, menthol, or tobacco flavor. The other exception is if the flavor has been approved by an order granting a pre-market tobacco product application of the electronic cigarette product by the US FDA.





Proper management of e-cigarette waste

Proper management of e-cigarette waste

Nicotine is an acute hazardous waste and cannot go down the drain or be thrown in the garbage. Lithium ion batteries are a hazardous and universal waste that pose fire and safety hazards. Under Utah law, both nicotine and lithium ion batteries must be properly disposed of as hazardous waste.

Waste management requirements under state and federal law for electronic cigarette retailers depend on the amount of liquid nicotine, e-liquid, or “vape juice” and other acute hazardous waste generated per month. Refer to the chart on page 29 to determine if you must follow Category 1 or Category 2 requirements.

The Utah Division of Waste Management and Radiation Control created ecigwaste.utah.gov to provide information on how to properly manage and dispose of electronic cigarette products. Visit ecigwaste.utah.gov for more information.

Waste pickup and disposal

Call a Utah Hazardous Waste transporter. Find a list of transporters at ecigwaste.utah.gov.

Storing hazardous waste before pickup

Liquid nicotine cannot go down the drain, toilet, or other sewer drains. Cartridges or pods, used or unused, cannot be thrown in the garbage.

Retailers that sell electronic cigarettes should keep a spill kit stocked with binders (sand, diatomaceous earth, sawdust) and gloves nearby, with a Safety Data Sheet for e-liquids. Using gloves, place the e-liquids, cartridges, and pods in a container in good condition, with a lid that can be closed securely. Label the container with the words “Hazardous Waste Pharmaceuticals (Nicotine),” and “Danger—toxic in contact with skin.” Keep a log of the amount of waste as it is collected, available at <https://deq.utah.gov/waste-management-and-radiation-control/proper-disposal-of-e-cigarette-waste#section-03> and make arrangements with a transporter and disposal company to pick up the waste BEFORE you accumulate the maximum limit for your category requirements.

Lithium ion batteries

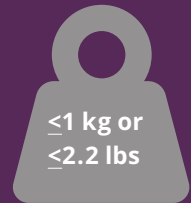
All lithium ion batteries must be managed as either a hazardous waste, like nicotine waste, or sent to a universal waste handler or destination facility.

Store each battery in a plastic bag or cover the terminals to prevent terminals from touching. Place damaged lithium ion batteries in a plastic bag and then place the bag in an inert material like sand. Lithium ion batteries that have an odor, are discolored, deformed, bulging, or swollen are damaged and have the potential to catch fire when they absorb moisture.

Store waste batteries in a container with a lid that can be securely closed. Label the container with the words “Universal waste batteries,” “Waste batteries,” or “Used batteries.” Universal waste batteries can only be accumulated for up to a year, so be sure to mark the start date on the container to keep track of when batteries began accumulating.

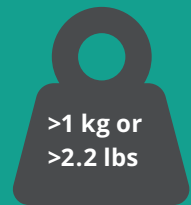
Follow Category 1 requirements

If you generate less than or equal to 1 kg (2.2 lbs) in a month



Follow Category 2 requirements

If you generate greater than 1 kg (2.2 lbs) in a month



Determine your disposal requirements

Category 1 requirements

If you generate less than or equal to 1 kg (2.2 lbs) in a month

≤1 kg or
≤2.2 lbs



Ensure delivery of the hazardous waste to an onsite treatment or disposal facility permitted to manage hazardous waste, municipal, or industrial solid waste, or a facility that recycles nicotine waste.



≤2.2
lbs

Do not accumulate more than 1 kg (2.2 lbs) of acute hazardous waste at any time.

Category 2 requirements

If you generate greater than 1 kg (2.2 lbs) in a month

>1 kg or
>2.2 lbs



Maintain containers used to accumulate waste nicotine and batteries so they are structurally sound, compatible with the contents, and do not leak or are damaged in such a way that may result in a leak.



Label electronic cigarette waste containers with the words “Hazardous Waste Pharmaceuticals” and an indication of the hazards of nicotine (toxic) and lithium ion batteries (flammable).



Keep containers closed and secured to prevent unauthorized access to the contents.



Clean up and contain all nicotine spills immediately. The spill clean-up material must be managed as hazardous waste.



Do not store nicotine waste for longer than 1 year, and be able to demonstrate how long the waste has been stored.



Ship electronic cigarettes hazardous waste on site to a permitted hazardous waste treatment, storage, or disposal facility using a uniform hazardous waste manifest. Keep a copy of each hazardous waste manifest for 3 years.



Package, mark, and placard the containers according to Department of Transportation hazardous material transportation requirements.



Train employees who manage hazardous waste nicotine so they are thoroughly familiar with proper waste handling and emergency procedures during normal facility operations and emergencies.



Notify the Division of Waste Management and Radiation Control of your healthcare facility status. Under the EPA's Pharmaceuticals Rule, all facilities that sell electronic nicotine products are defined as a healthcare facility. Use EPA Form 8700-12 and complete the applicable sections, including “D. Pharmaceutical Activities.” Find the form at ecigwaste.utah.gov.



You are also required to comply with land disposal restrictions and file an exception report with the division if a copy of the hazardous waste manifest is not received from the disposal facility where the waste was sent.

Utah Indoor Clean Air Act

Utah Indoor Clean Air Act

The Utah Indoor Clean Air Act (UICAA) was created to protect those who live in Utah from the dangers of secondhand tobacco smoke. In this act, “smoking” includes combustible tobacco products, electronic cigarette (vapor) products, and shisha. The law bans smoking in almost all government and private businesses in Utah.

Smoking is banned in:

- Indoor places where there is more than 1 employee or where the public can enter
- Childcare businesses
- Government-owned buildings and offices
- Work vehicles
- Clubs and taverns
- Public or private elementary or secondary school buildings, including the property
- Buildings operated by social, fraternal, or religious groups
- Places rented for private events
- Business owners may prohibit smoking anywhere on their property
- 25 feet from any entranceway, exit, open window of a building, or air intake where smoking is banned

Indoor smoking. In places where smoking is allowed, the place must have a HVAC system to prevent smoke from going into a public area. At a building with a smoking-permitted area under [Section § 26B-7-503](#), the building owner shall obtain and keep on file a signed statement from an air-balancing firm certified by the Associated Air Balance Council, or an industrial hygienist certified by the American Board of Industrial Hygiene that the smoking-permitted area meets the requirements of subsection R392-510-6(1). If a building’s HVAC system is altered in any way, the building owner shall obtain new certification on the system.

Employee complaints. Employees who complain against an employer for not protecting them from secondhand smoke cannot be punished by their employer.

Signage. There must be posted signs stating the smoking status of the place. Sign requirements are specific to [Utah Administrative Rule R392-510-11](#).

| Offense | Penalty |
|--------------------|-------------|
| 1st Offense | \$100 |
| Subsequent Offense | \$100–\$500 |

- A business owner, agent, operator, or employee of the business is responsible for obeying the law.
- If someone is smoking in a prohibited place, the business owner, agent, operator, or employee shall ask the person to stop smoking. If the person does not comply with the business owner, agent, operator or employee shall ask the person to leave.

Utah Code § 26B-7

Utah Indoor Clean Air Act

Utah Administrative Rule R392-510

Utah Indoor Clean Air Act

For questions or to report a violation of the Utah Indoor Clean Air Act, contact your local health department. (See the [Where to go for help](#) section for contact information.)



Quiz questions

You have received instruction on preventing the illegal sales of tobacco products, electronic cigarette products, and nicotine products, as well as potential violations against a tobacco permit. Please take some time to complete the following quiz to show how much you know.

You can take a free online quiz at <https://tobaccolaws.utah.gov/retailer-training/#anchor1>. Upon completion of the online quiz, you'll be sent an email confirmation of your participation that can be used as proof of training documentation.

1. In Utah, the legal age to buy or possess tobacco products, electronic cigarette products, and nicotine products is:
☐ 18
☐ 19
☐ 21
2. What is an acceptable ID? (mark all that apply)
☐ Government-issued
☐ Current and valid (make sure the ID is not expired)
☐ Have the date of birth (DOB)
☐ Have a photo matching the person showing you the ID
☐ Not appear to be fake or altered
3. How often can law enforcement agencies conduct an underage sale investigation for tobacco, electronic cigarette, or nicotine products during a 12-month period?
☐ Only 2 times within a 12-month period
☐ Only when law enforcement receives complaints that a retailer has been selling tobacco products, electronic cigarette products, or nicotine products to underage individuals
- ☐ Any time law enforcement feels like they want to conduct an underage sales investigation
☐ A minimum of 2 times within a 12-month period with additional investigations if there is reasonable suspicion to believe the retailer has sold a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21 years of age
4. If an illegal sale of a tobacco product, electronic cigarette product, or nicotine product occurs during an underage sale investigation, 2 penalties can be given: 1) a criminal penalty to the individual who sold the product and, 2) a civil penalty against the retailer's permit.
☐ True
☐ False
5. Utah law prohibits the sale of most flavored electronic cigarette products at retailers permitted as general tobacco retailers (exceptions: tobacco, mint, and menthol flavors, or flavors approved by a US FDA order granting premarket tobacco product application).
☐ True
☐ False



Quiz questions

6. What tobacco retail permit does a retailer need to have if they want to have a self-service display (the customer can retrieve the product themselves) of tobacco products, electronic cigarette products, or nicotine products?

- ☐ General tobacco retail permit
- ☐ Retail tobacco specialty business permit

7. In Utah, nicotine concentration for a manufacturer-sealed electronic cigarette product (aka cartridge, pod, or disposable) is:

- limited to 5% nicotine by weight per container, or; does not exceed 59mg/mL
- unless the product has received a PMTA approval or is going through an appeals process?

- ☐ True
- ☐ False

8. Fill in the blank: In Utah, nicotine concentration for a non-manufacturer-sealed electronic cigarette substance (aka bottles of e-liquid or e-juice) is

- limited to ____mg nicotine per container, or;
- does not exceed ____mg/mL concentration of nicotine unless the product has received a PMTA approval or is going through an appeals process.

- ☐ 360; 24
- ☐ 250; 12
- ☐ 400; 30
- ☐ 360; 25

9. Industrial hemp (CBD) products and wellness products that are intended to be vaped by the consumer are included in the definition of an electronic cigarette product and an electronic cigarette substance. These types of products need to comply with the applicable tobacco-related Utah laws and administrative rules,

which includes a general tobacco retailer being prohibited from selling flavored CBD/wellness vapes: (this does not include a product with a taste or smell of ONLY tobacco, mint, or menthol; or has a flavor that has been approved by an order granting premarket tobacco product application of the electronic cigarette product by the US FDA).

- ☐ True
- ☐ False

10. All tobacco retailers shall provide a customer with an itemized receipt for each sale of a tobacco product, an electronic cigarette product, or a nicotine product, AND all tobacco retailers are required to maintain an itemized transaction log for each sale of a tobacco product, an electronic cigarette product, or a nicotine product. What needs to be identified on each of these documents? (mark all that apply)

- ☐ The name of the tobacco product, electronic cigarette product, or nicotine product
- ☐ The UPC code of the tobacco product, electronic cigarette product, or nicotine product
- ☐ The shelf that the product is located on within the store
- ☐ The date and time of the sale
- ☐ The amount charged for each tobacco product, electronic cigarette product, or nicotine product
- ☐ Nothing specific needs to be identified

11. Can retailers offer smokeless tobacco, chewing tobacco, electronic cigarette products, cigarettes, or other tobacco products to customers free of charge at their business to the general public?

- ☐ Yes
- ☐ No



Quiz questions

12. In what way(s) can a tobacco product, an electronic cigarette product, or a nicotine product be sold in Utah to a customer who is not a tobacco license holder? (mark all that apply)
- ☐ Mail
- ☐ Online
- ☐ Telephone
- ☐ In person
13. A tobacco retailer can advertise electronic cigarette products as a cessation device (a device that helps a person quit smoking)?
- ☐ True
- ☐ False
14. A local health department may inspect a tobacco retailer to determine whether the tobacco retailer (mark all that apply):
- ☐ Continues to meet the qualification for the tobacco permit issued
- ☐ Continues to meet the requirements for a retail tobacco specialty business permit (if applicable)
- ☐ Engages in a pattern of unlawful activity
- ☐ Violates any of the regulations restricting the sale and distribution of cigarettes and smokeless tobacco issued by the US FDA under 21 C.F.R. Part 1140
- ☐ Violates any other provision of state law or ordinance
- ☐ A local health department cannot inspect a tobacco retailer
15. It is illegal to sell electronic cigarette products if they are labeled as having (mark all that apply):
- ☐ Additives that create the impression the product has a health benefit
- ☐ Additives associated with health or energy
- ☐ Illegal drugs
- ☐ Additives that color the vapor
16. Non-manufacturer-sealed and manufacturer-sealed electronic cigarette products shall be sold in the product's original packaging.
- ☐ True
- ☐ False
17. If a customer's birth date was 7/19/1999, and today's date is 8/18/2020, could you legally sell a tobacco product, an electronic cigarette product, or a nicotine product to them?
- ☐ Yes
- ☐ No
18. Fill in the blank: Manufacturer-sealed electronic cigarette products that are not intended to be opened by a retailer or a consumer _____ be refilled.
- ☐ can
- ☐ cannot



Quiz questions

19. If an enforcing agency, such as a local health department, requests transaction statements for electronic cigarette products to confirm the products meet the requirements of the state rule, how much time does the tobacco retailer have to provide such statements to the enforcing agency?
- ☐ Immediately
- ☐ 4 weeks after the request
- ☐ 14 calendar days after the request
- ☐ Whenever the retailer has time
20. If a customer looks under the age ____ and tries to purchase a tobacco product, federal law requires that a tobacco retail clerk check the photo ID.
- ☐ 18
- ☐ 21
- ☐ 24
- ☐ 27
21. A retailer who is permitted as a tobacco specialty business shall electronically verify the ID of any individual who enters the premises of the business.
- ☐ True
- ☐ False
22. Which of the following are acceptable forms of ID for the sale of a tobacco product, an electronic cigarette product or a nicotine product? (mark all that apply)
- ☐ Current driver license
- ☐ Credit card with a picture
- ☐ School identification card
- ☐ Social Security card
- ☐ Current state identification card
- ☐ Current passport
- ☐ Current military identification card
23. Child-resistant packaging is not required for a non-manufacturer-sealed electronic cigarette product (aka e-liquid or e-juice) and an enforcing agency cannot ask you to provide a transaction document proving this.
- ☐ True
- ☐ False
24. If a retailer is permitted as a general tobacco retailer, and they have any tobacco products, electronic cigarettes, or nicotine products that a customer can retrieve themselves, could this potentially cause a violation against the tobacco permit?
- ☐ Yes
- ☐ No



Tips for owners and managers: policies and procedures

You have a responsibility to prevent illegal sales of tobacco products, electronic cigarette products, and nicotine products. This section will give you ideas on how to develop and implement policies and procedures, training techniques, and reinforcement strategies to help your employees comply with the law.

Policy development

Create and follow strict written tobacco, electronic cigarette, or a nicotine sales policy and procedures. Consider including the following elements in the store's policy to outline procedures for selling tobacco products, electronic cigarette products and nicotine products:

- Develop a "We ID . . ." policy; e.g., "We ID everyone younger than 27 (or 30 or 40)."
- Ask for ID before you get the tobacco product, electronic cigarette product, or nicotine product.
- Ask the customer to remove ID from a wallet or purse.
- Take the ID and examine it closely.
- Check the birth date on the ID to make sure the customer is at least 21 years of age or older.
- Include any other store-specific procedures.
- If you are a retail tobacco specialty business, include a standard operating procedure for staff to electronically verify the ID of everyone when they enter the business.
- Keep a list of store consequences for those who sell to individuals younger than 21 years of age (in addition to civil and criminal penalties) or for employees who improperly use or override computerized prompts on registers when they ring up tobacco products, electronic cigarettes, or nicotine products.
- Create a system to review surveillance footage and receipt records for date-of-birth entries in order to monitor employee compliance with store tobacco product, electronic cigarette product, and nicotine product sales policies.
- Provide procedures for employees to follow when asking individuals who are known to be younger than 21 years of age and who are using a tobacco, an electronic cigarette, or a nicotine product to leave the premises. Refer to [Utah Code 76-10-103](#) for more information.
- Make sure employees know that management supports and follows the law.
- Keep tobacco products, electronic cigarette products, and nicotine products locked up, and constantly monitored.
- Conduct internal policy checks by using individuals who are 21 years of age or older to attempt to purchase tobacco products, electronic cigarette products, and nicotine products.
- Offer rewards for employees who pass external compliance checks and internal policy checks.
- Upgrade register software to require a date of birth to be entered for all tobacco product, electronic cigarette product, and nicotine product sales, or that allows scanning of the ID.



Tips for owners and managers: policies and procedures

New employee training

Provide specific topic training before new employees are allowed to sell tobacco products, electronic cigarette products, and nicotine products. Training should include the following:

- All Utah tobacco laws and administrative rules
- The consequences for the retailer and clerk if they do not follow the Utah tobacco laws and administrative rules including civil and criminal penalties
- A clear definition of what constitutes a tobacco product, an electronic cigarette product, and a nicotine product
- Legal age for purchase
- Instructions on how and when to ask for ID
- Instruction on how to identify a false ID
- Instructions on how and when to refuse a sale
- The consequences of an illegal sale, including civil and criminal penalties
- Have employees sign and date a proof of tobacco retailer training document ([See Resource A.](#))

Once employees are trained, consider providing close manager supervision for the new employees to help avoid illegal sales of tobacco, electronic cigarettes, and nicotine products.

Training reinforcement strategies

- Role-play sales situations for tobacco products, electronic cigarette products, and nicotine products with employees.
- Review tobacco laws and policies in staff meetings.
- Provide ongoing follow-up training.
- Follow through with rewards and consequences.
- Create birth date flash cards so clerks can practice calculating age.

Visual reminders

- Post the tobacco policy in your store where employees will see it often.
- Post a copy of tobacco-related laws for employees to review.
- In highly visible locations (e.g., front doors, counters, and windows), post signs stating that you don't sell tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 years of age.
- Post a copy of penalties for those who sell tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 years of age.
- Post a date-of-birth chart (or use a digital birth chart), and make sure employees refer to it when calculating a customer's age.



Utah tobacco retailer training quiz answer key

Now that you have received instruction on how to prevent the illegal sales of tobacco products, electronic cigarette products, and nicotine products, as well as potential violations against a tobacco permit, take some time to complete the following quiz to show how much you know.

Take the free online quiz: <https://tobaccolaws.utah.gov/retailer-training/#anchor1>. Upon completion of the online quiz, you'll be sent an email confirmation of your participation that can be used as proof of training documentation.

1. In Utah, the legal age to buy or possess tobacco products, electronic cigarette products, and nicotine products is:
☐ 18
☐ 19
☒ 21
2. What is an acceptable ID? (mark all that apply)
☒ **Government-issued**
☒ **Current and valid (make sure the ID is not expired)**
☒ **Have the date of birth (DOB)**
☒ **Have a photo matching the person showing you the ID**
☒ **Not appear to be fake or altered**
3. How often can law enforcement agencies conduct an underage sale investigation for tobacco, electronic cigarette, or nicotine products during a 12-month period?
☐ Only 2 times within a 12-month period
☐ Only when law enforcement receives complaints that a retailer has been selling tobacco products, electronic cigarette products, or nicotine products to underage individuals
☐ Any time law enforcement feels like they want to conduct an underage sales investigation
- ☒ **A minimum of 2 times within a 12-month period with additional investigations if there is reasonable suspicion to believe the retailer has sold a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21 years of age**
4. If an illegal sale of a tobacco product, electronic cigarette product, or nicotine product occurs during an underage sale investigation, 2 penalties can be given: 1) a criminal penalty to the individual who sold the product and, 2) a civil penalty against the retailer's permit.
☒ **True**
☐ False
5. Utah law prohibits the sale of most flavored electronic cigarette products at retailers permitted as general tobacco retailers (exceptions: tobacco, mint, and menthol flavors, or flavors approved by a US FDA order granting premarket tobacco product application).
☒ **True**
☐ False
6. What tobacco retail permit does a retailer need to have if they want to have a self-service display (the customer can retrieve the product themselves) of tobacco products, electronic cigarette products, or nicotine products?
☐ General tobacco retail permit
☒ **Retail tobacco specialty business permit**



Quiz questions answer key

7. In Utah, nicotine concentration for a manufacturer-sealed electronic cigarette product (aka cartridge, pod, or disposable) is:

- limited to 5% nicotine by weight per container, or; does not exceed 59mg/mL
- unless the product has received a PMTA approval or is going through an appeals process?

☒ **True**

☐ False

8. Fill in the blank: In Utah, nicotine concentration for a non-manufacturer-sealed electronic cigarette substance (aka bottles of e-liquid or e-juice) is

- limited to ____mg nicotine per container, or;
- does not exceed ____mg/mL concentration of nicotine unless the product has received a PMTA approval or is going through an appeals process.

☒ **360; 24**

☐ 250; 12

☐ 400; 30

☐ 360; 25

9. Industrial hemp (CBD) products and wellness products that are intended to be vaped by the consumer are included in the definition of an electronic cigarette product and an electronic cigarette substance. These types of products need to comply with the applicable tobacco related Utah laws and administrative rules, which includes a general tobacco retailer being prohibited from selling flavored CBD/wellness vapes: (this does not include a product with a taste or smell of ONLY tobacco, mint, or menthol; or has a flavor that has been approved by an order granting premarket tobacco product application of the electronic cigarette product by the US FDA).

☒ **True**

☐ False

10. All tobacco retailers shall provide a customer with an itemized receipt for each sale of a tobacco product, an electronic cigarette product, or a nicotine product, AND all tobacco retailers are required to maintain an itemized transaction log for each sale of a tobacco product, an electronic cigarette product, or a nicotine product. What needs to be identified on each of these documents? (mark all that apply)

☒ **The name of the tobacco product, electronic cigarette product, or nicotine product**

☐ The UPC code of the tobacco product, electronic cigarette product, or nicotine product

☐ The shelf that the product is located on within the store

☒ **The date and time of the sale**

☒ **The amount charged for each tobacco product, electronic cigarette product, or nicotine product**

☐ Nothing specific needs to be identified

11. Can retailers offer smokeless tobacco, chewing tobacco, electronic cigarette products, cigarettes, or other tobacco products to customers free of charge at their business to the general public?

☐ Yes

☒ **No**

12. In what way(s) can a tobacco product, an electronic cigarette product, or a nicotine product be sold in Utah to a customer who is not a tobacco license holder? (mark all that apply)

☐ Mail

☐ Online

☐ Telephone



Quiz questions answer key

☒ **In person**

13. A tobacco retailer can advertise electronic cigarette products as a cessation device (a device that helps a person quit smoking)?

☐ True

☒ **False**

14. A local health department may inspect a tobacco retailer to determine whether the tobacco retailer (mark all that apply):

☒ **Continues to meet the qualification for the tobacco permit issued**

☒ **Continues to meet the requirements for a retail tobacco specialty business permit (if applicable)**

☒ **Engages in a pattern of unlawful activity**

☒ **Violates any of the regulations restricting the sale and distribution of cigarettes and smokeless tobacco issued by the US FDA under 21 C.F.R. Part 1140**

☒ **Violates any other provision of state law or ordinance**

☐ A local health department cannot inspect a tobacco retailer

15. It is illegal to sell electronic cigarette products if they are labeled as having (mark all that apply):

☒ **Additives that create the impression the product has a health benefit**

☒ **Additives that are associated with health or energy**

☒ **Illegal drugs**

☒ **Additives that color the vapor**

16. Non-manufacturer-sealed and manufacturer-sealed electronic cigarette products shall be sold in the product's original packaging.

☒ **True**

☐ False

17. If a customer's birth date was 7/19/1999, and today's date is 8/18/2020, could you legally sell a tobacco product, an electronic cigarette product, or a nicotine product to them?

☒ **Yes**

☐ No

18. Fill in the blank: Manufacturer-sealed electronic cigarette products that are not intended to be opened by a retailer or a consumer _____ be refilled.

☐ can

☒ **cannot**

19. If an enforcing agency, such as a local health department, requests transaction statements for electronic cigarette products to confirm the products meet the requirements of the state rule, how much time does the tobacco retailer have to provide such statements to the enforcing agency?

☐ Immediately

☐ 4 weeks after the request

☒ **14 calendar days after the request**



Quiz questions answer key

☐ Whenever the retailer has time

20. If a customer looks younger than age ____ and tries to purchase a tobacco product, federal law requires that a tobacco retail clerk check the photo ID.

☐ 18

☐ 21

☐ 24

☒ 27

21. A retailer who is permitted as a tobacco specialty business shall electronically verify the ID of any individual who enters the premises of the business.

☒ True

☐ False

22. Which of the following are acceptable forms of ID for the sale of a tobacco product, an electronic cigarette product or a nicotine product? (mark all that apply)

☒ Current driver license

☐ Credit card with a picture

☐ School identification card

☐ Social Security card

☒ Current state identification card

☒ Current passport

☒ Current military identification card

23. Child-resistant packaging is not required for a non-manufacturer-sealed electronic cigarette product (aka e-liquid or e-juice) and an enforcing agency cannot ask you to provide a transaction document proving this.

☐ True

☒ False

24. If a retailer is permitted as a general tobacco retailer, and they have any tobacco products, electronic cigarettes, or nicotine products that a customer can retrieve themselves, could this potentially cause a violation against the tobacco permit?

☒ Yes

☐ No



Where to go for help

Materials such as posters, decals, and point-of-sale stickers are available to assist you in your efforts and are available free of charge. To order the materials shown in [Resource C](#) below, contact your local health department. Also, your local health department may be willing to assist with training needs.

| Local health department | County(s) | Telephone |
|--|--|--------------|
| Bear River Health Department | Cache, Box Elder, Rich | 435-792-6510 |
| Central Utah Public Health Department | Juab, Millard, Piute, Sevier, Sanpete, Wayne | 435-864-3612 |
| Davis County Health Department | Davis | 801-525-5000 |
| Salt Lake County Health Department | Salt Lake | 385-468-4100 |
| San Juan County Public Health Department | San Juan | 435-587-3838 |
| Southeast Utah Health Department | Carbon, Emery, Grand | 435-637-3671 |
| Southwest Utah Public Health Department | Beaver, Garfield, Iron, Kane, Washington | 435-673-3528 |
| Summit County Health Department | Summit | 435-333-1500 |
| Tooele County Health Department | Tooele | 435-277-2300 |
| TriCounty Health Department | Daggett, Duchesne, Uintah | 435-247-1177 |
| Utah County Health Department | Utah | 801-851-7099 |
| Wasatch County Health Department | Wasatch | 435-657-3307 |
| Weber-Morgan Health Department | Morgan, Weber | 801-399-7100 |



Where to go for help

For additional help and information, contact:

Utah Department of Health and Human Services Tobacco Prevention and Control Program

- Website: tobaccofree.utah.gov and <https://tobaccofree.utah.gov/utah-tobacco-laws/>
- Phone: 801-597-0351 (local), or 877-220-3466 (toll-free in state)

Utah Department of Agriculture and Food

- Questions regarding industrial hemp and medical cannabis
- Website: www.ag.utah.gov/industrialhempprogram/
- Email: hemp_udaf@utah.gov (General); hemp-productregistration@utah.gov (Industrial Hemp Product Registration); hemp-licensing@utah.gov (Industrial Hemp Licensing)
- Phone: 801-982-2375 (General); 385-285-8146 (Industrial Hemp Product Registration); 385-524-8570 (Industrial Hemp Licensing)

Utah State Tax Commission

- Questions regarding tobacco licensing
- Website: www.tax.utah.gov/tobacco
- Email: taxmaster@utah.gov (General)
- Phone: 801-297-2200, or 800-662-4335, ext. 2200 (toll-free in state)
- Utah State Tax Commission Publication 65 – Tax Information for Cigarettes, Tobacco Products and Electronic Cigarette Products: <https://tax.utah.gov/forms/pubs/pub-65.pdf> or under “Pub 65” at <https://tax.utah.gov/forms-pubs/pubs>.

Utah Department of Environmental Quality

- Website: www.deq.utah.gov
- Phone: 801-536-4000 (Office) and 801-536-4123 (Environmental Incidents)
- E-cigarette Hazardous Waste resources: <http://ecigwaste.utah.gov/>

Utah Indoor Clean Air Act (UICAA)

- Questions regarding requirements of the UICAA, sample policies, sample signage, and other information to help businesses and building managers to comply with the law
- Website: <https://tobaccolaws.utah.gov/indoor-clean-air/>
- Phone: 801-538-6260 or 801-538-6754

The majority of laws referred to in this guide can be found on the Utah Tobacco Prevention and Control website at <https://tobaccofree.utah.gov/utah-tobacco-laws/>. Those not listed there, as well as the complete text of all the laws, can be found at the Utah State Legislature’s website at www.le.utah.gov.



Resource A:

Proof of tobacco retailer training document

This document verifies the employee has received training and understands the state laws and store's policy regarding tobacco products, electronic cigarette products, and nicotine products. It can be used to confirm training in a civil hearing process, as per [Utah Code § 26B-7-519](#). It can also be adapted to meet your store's specific needs and policies.

Proof of tobacco retailer training document

I understand the law prohibits the sale of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 years of age. I have reviewed the retailer education guide regarding the sale of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 years of age and understand that selling to individuals younger than 21 years of age will result in an infraction and fine not exceeding \$1,000; or compensatory service on the first violation and a Class C misdemeanor and fine not exceeding \$2,000; or compensatory service, on any subsequent violation.

I further understand that retailers are responsible to know and comply with local, state, and federal laws and regulations.

I agree to the following laws and company policies about the sale of tobacco products, electronic cigarette products, and nicotine products: (Please initial in each space provided.)

_____ I will not sell tobacco products, electronic cigarette products, nicotine products, or tobacco paraphernalia to anyone younger than 21.

_____ If the person appears to be younger than 27 years of age, I will ask for ID. If there is any doubt about the person's age, I will not make the sale.

_____ I will not knowingly sell tobacco products, electronic cigarette products, or tobacco paraphernalia to any adult for use by individuals younger than the legal age. If I think this is happening, I will not make the sale.

_____ I agree to know and comply with local, state, and federal laws and regulations.

In turn, management agrees to support my judgment in not making sales in any of the above cases.

I certify that I was trained on the date listed below, and that the training included the following components:

- A clear explanation of Utah tobacco laws and rules
- A clear definition of what constitutes a tobacco product, an electronic cigarette product, and a nicotine product
- The legal age for purchase
- Instruction on when and how to ask for ID
- Instruction on performing age ID checks for any customer who appears to be younger than 27 years of age
- Instruction on how to detect a false ID
- Instruction on how and when to refuse a sale
- Instruction on how to refuse a sale when an adult clearly attempts to buy for an individual younger than 21 years of age
- The consequences of an illegal sale and not following all Utah tobacco laws and rules

Employee's signature

Employee's name (print)

Date

Store manager's signature

Store manager's name (print)

Date

This agreement will be maintained in our personnel file as part of your permanent employee record.
This page may be reproduced in any form without prior permission.



Resource B:

Record of employees who completed the tobacco retailer training

Once your employee has successfully completed the quiz, both of you should fill out 1 of the sections below. Keep these pages in your document as a record of employees who have completed this training.

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |



Resource B:

Record of employees who completed the tobacco retailer training

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |

| | | |
|---------------------------|------------------------------|------|
| Employee's signature | Employee's name (print) | Date |
| | | |
| Store manager's signature | Store manager's name (print) | Date |
| | | |

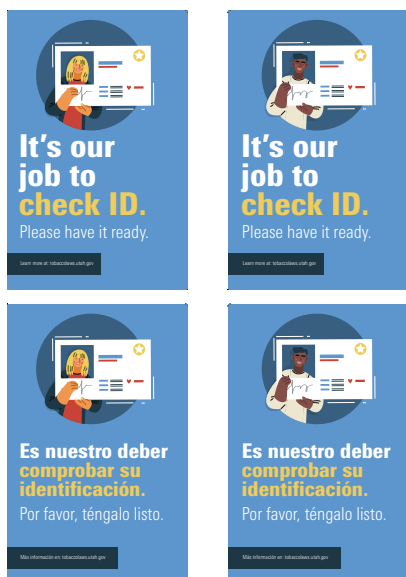


Resource C: poster, window clings, retail tobacco specialty business public entrance signs, and dated register stickers

To obtain any of the following materials at no cost to you, contact the Utah Department of Health and Human Services Tobacco Prevention and Control Program Media and Communications Coordinator by email at adevashrayee@utah.gov. Your efforts to educate your staff and customers can prevent individuals younger than 21 years of age from starting to smoke or vape and thus save lives.

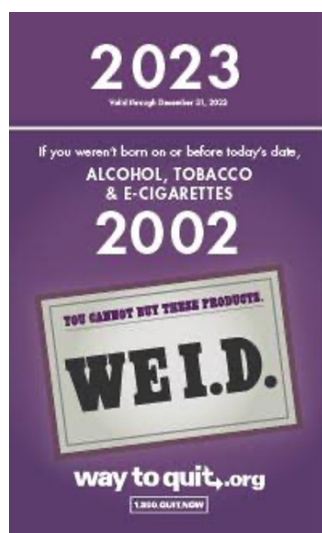
Posters

11 x 17 posters are to be hung outside or inside the store.



Dated stickers

Stickers are to be placed at point of purchase for both employee and patron to see.



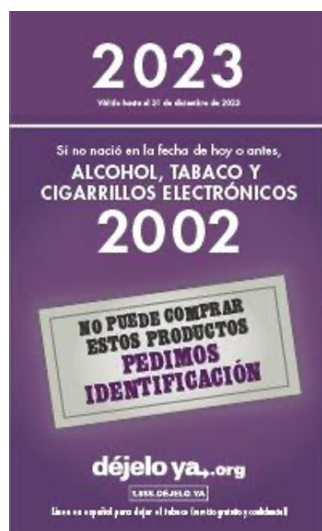
Retail tobacco specialty business public entrance signs

Retail tobacco specialty businesses are required to prominently display a sign of the public entrance of the business that communicates individuals younger than 21 may not enter or be present at the tobacco specialty businesses (e.g., must be 21 or older to enter) and that the sale of tobacco products and electronic cigarette products to individuals younger than 21 is prohibited. For more details, refer to [Utah Code 26B-7-511](#).



Window clings

Clings are to be placed on door windows at the store entrance.



CONTACT
US

**Utah Tobacco Prevention
and Control Program**

288 North 1460 West, Box 142106

Salt Lake City, UT 84114-2106

tobaccofree.utah.gov

phone 801-597-7020

fax 801-538-9303



Utah Department of
Health & Human
Services

