

1st Sub. H.B. 274  
RETAIL TOBACCO BUSINESS AMENDMENTS

Representative **Jen Dailey-Provost** proposes the following amendments:

1. Page 2, Line 45 through Page 3, Line 69:

45 (b) "Department" means the Department of Health, created in Section 26-1-4.

(c) "Electronic cigarette product" means the same as that term is defined in Section 59-14-802.

46 ~~{(c)}~~ (d) (i) "Flavored ~~{tobacco}~~ electronic cigarette product" means ~~{a~~  
47 tobacco} an electronic cigarette product that has a taste or smell

48 that is distinguishable by an ordinary consumer either before or during use or consumption of

49 the ~~{tobacco}~~ electronic cigarette product.

50 (ii) "Flavored ~~{tobacco}~~ electronic cigarette product" includes ~~{a tobacco}~~ an  
51 electronic cigarette product that has a taste or smell of

52 any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

53 (iii) "Flavored ~~{tobacco}~~ electronic cigarette product" does not include ~~{a~~  
54 tobacco} an electronic cigarette product that has a taste or

55 smell of only tobacco or menthol.

56 ~~{(e)}~~ ~~{(d)}~~ (e) "Local health department" means the same as that term is defined in Section  
57 26A-1-102.

58 ~~{(d)}~~ ~~{(e)}~~ (f) "Permittee" means a person licensed under this section to conduct business as  
59 a retail tobacco specialty business.

60 ~~{(e)}~~ ~~{(f)}~~ (g) "Retail tobacco specialty business" means a commercial establishment in  
61 which:

62 (i) the sale of tobacco products accounts for more than 35% of the total quarterly gross  
63 receipts for the establishment;

64 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or  
65 storage of tobacco products;

66 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of  
67 tobacco products; ~~{or}~~

68 (iv) the retail space features a self-service display for tobacco products~~{-}; or~~

69 (v) any flavored ~~{tobacco}~~ electronic cigarette product is sold.

70 ~~{(f)}~~ ~~{(g)}~~ (h) "Self-service display" means the same as that term is defined in Section  
71 76-10-105.1.

72 ~~{(g)}~~ ~~{(h)}~~ (i) "Tobacco product" means:

2. Page 6, Lines 156 through 180:

156 (b) "Department" means the Department of Health, created in Section 26-1-4.

**(c) "Electronic cigarette product" means the same as that term is defined in Section 59-14-802.**

157 ~~{(c)}~~ **(d)** (i) "Flavored ~~{tobacco}~~ **electronic cigarette** product" means ~~{a~~  
158 **tobacco} **electronic cigarette** product that has a taste or smell**

158 that is distinguishable by an ordinary consumer either before or during use or consumption of  
159 the ~~{tobacco}~~ **electronic cigarette** product.

160 (ii) "Flavored ~~{tobacco}~~ **electronic cigarette** product" includes ~~{a tobacco}~~ **an**  
161 **electronic cigarette** product that has a taste or smell of

161 any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

162 (iii) "Flavored ~~{tobacco}~~ **electronic cigarette** product" does not include ~~{a~~  
163 **tobacco} **an electronic cigarette** product that has a taste or**

163 smell of only tobacco or menthol.

164 ~~{(e)}~~ ~~{(d)}~~ **(e)** "Licensee" means a person licensed under this section to conduct business as a  
165 retail tobacco specialty business.

166 ~~{(d)}~~ ~~{(e)}~~ **(f)** "Local health department" means the same as that term is defined in Section  
167 26A-1-102.

168 ~~{(e)}~~ ~~{(f)}~~ **(g)** "Retail tobacco specialty business" means a commercial establishment in  
169 which:

170 (i) the sale of tobacco products accounts for more than 35% of the total quarterly gross  
171 receipts for the establishment;

172 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or  
173 storage of tobacco products;

174 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of  
175 tobacco products; ~~{or}~~

176 (iv) the retail space features a self-service display for tobacco products~~{-}~~; or

177 (v) any flavored ~~{tobacco}~~ **electronic cigarette** product is sold.

178 ~~{(f)}~~ ~~{(g)}~~ **(h)** "Self-service display" means the same as that term is defined in Section  
179 76-10-105.1.

180 ~~{(g)}~~ ~~{(h)}~~ **(i)** "Tobacco product" means: