

H.B. 34 Cigarette Amendments

Bill Text

Status

Hearings/Debate

Enrolled

H.B. 34

Bill
Sponsor:

Floor
Sponsor:

Printer Friendly

1

CIGARETTE AMENDMENTS

2

2022 GENERAL SESSION

3

STATE OF UTAH

4

Chief Sponsor: Steve Eliason

5

Senate Sponsor: Curtis S. Bramble

6

LONG TITLE

General Description:

This bill modifies tax and criminal code provisions related to cigarettes.

Highlighted Provisions:

This bill:
modifies the definitions of "cigarette" and "electronic cigarette."

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



Rep. Eliason, Steve



Sen. Bramble, Curtis S.

Substitute Sponsor:
Sen. Bramble, Curtis S.

Drafting Attorney:
Andrea Valenti Arthur

Fiscal Analyst: Andrea Wilko

Bill Tracking

Tracking Page

Bill Text

Introduced

Enrolled (Currently Displayed)

18 AMENDS:
 19 **59-14-102**, as last amended by Laws of Utah 2020, Chapter 347
 20 **76-10-101**, as last amended by Laws of Utah 2020, Chapters 12,
 302, and 347
 21

22 *Be it enacted by the Legislature of the state of Utah:*
 23 Section 1. Section **59-14-102** is amended to read:
 24 **59-14-102. Definitions.**
 25 As used in this chapter:
 26 (1) "Alternative nicotine product" means the same as that term is
 defined in Section
 27 **76-10-101**.
 28 (2) "Cigarette" means a roll ~~[for smoking]~~ made wholly or in part of
 tobacco:
 29 (a) regardless of:
 30 (i) the size of the roll;
 31 (ii) the shape of the roll; ~~[or]~~
 32 (iii) whether the tobacco is flavored, adulterated, or mixed with any
 other ingredient;
 33 ~~[and] or~~
 34 ~~(iv) whether the tobacco is heated or burned; and~~
 35 (b) if the roll has a wrapper or cover ~~[of the roll] that~~ is made of
 paper or any other
 36 substance or material except tobacco.
 37 (3) "Cigarette rolling machine" means a device or machine that
 has the capability to
 38 produce at least 150 cigarettes in less than 30 minutes.
 39 (4) "Cigarette rolling machine operator" means a person who:
 40 (a) (i) controls, leases, owns, possesses, or otherwise has
 available for use a cigarette
 41 rolling machine; and
 42 (ii) makes the cigarette rolling machine available for use by
 another person to produce
 43 a cigarette; or
 44 (b) offers for sale, at retail, a cigarette produced from the cigarette
 rolling machine.
 45 (5) "Consumer" means a person that is not required:
 46 (a) under Section **59-14-201** to obtain a license under Section **59-**
14-202;
 47 (b) under Section **59-14-301** to obtain a license under Section **59-**
14-202; or
 48 (c) to obtain a license under Section **59-14-803**.
 49 (6) "Counterfeit cigarette" means:
 50 (a) a cigarette that has a false manufacturing label; or
 51 (b) a package of cigarettes bearing a counterfeit tax stamp.
 52 (7) (a) "Electronic cigarette" means the same as that term is

Other Versions

[H.B. 34](#)

Related Documents

[Fiscal Note](#) 

[HB0034 comparison](#)

Information

Last Action: 23 Mar
2022, Governor
Signed

Last Location:
Lieutenant Governor's
office for filing

Effective Date: 1 Jul
2022

**Session Law
Chapter:** 199

Similar Bills

[Revenue and Taxation](#)

[Cigarette and Tobacco
Taxes](#)

[Tobacco and Other
Nicotine Products](#)

Sections Affected

[59-14-102](#)

[76-10-101](#)

defined in Section

53 76-10-101.

54 (b) "Electronic cigarette" does not include a cigarette or a tobacco
product.

55 (8) "Electronic cigarette product" means the same as that term is
defined in Section

56 76-10-101.

57 (9) "Electronic cigarette substance" means the same as that term
is defined in Section

58 76-10-101.

59 (10) "Importer" means a person that imports into the United
States, either directly or

60 indirectly, a finished cigarette for sale or distribution.

61 (11) "Indian tribal entity" means a federally recognized Indian tribe,
tribal entity, or any

62 other person doing business as a distributor or retailer of cigarettes
on tribal lands located in the

63 state.

64 (12) "Little cigar" means a roll for smoking that:

65 (a) is made wholly or in part of tobacco;

66 (b) uses an integrated cellulose acetate filter or other similar filter;
and

67 (c) is wrapped in a substance:

68 (i) containing tobacco; and

69 (ii) that is not exclusively natural leaf tobacco.

70 (13) (a) Except as provided in Subsection (13)(b), "manufacturer"
means a person that:

71 (i) manufactures, fabricates, assembles, processes, or labels a
finished cigarette; or

72 (ii) makes, modifies, mixes, manufactures, fabricates, assembles,
processes, labels,

73 repackages, relabels, or imports an electronic cigarette product or a
nicotine product.

74 (b) "Manufacturer" does not include a cigarette rolling machine
operator.

75 (14) "Moist snuff" means tobacco that:

76 (a) is finely cut, ground, or powdered;

77 (b) has at least 45% moisture content, as determined by the
commission by rule made

78 in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act;

79 (c) is not intended to be:

80 (i) smoked; or

81 (ii) placed in the nasal cavity; and

82 (d) except for single-use pouches of loose tobacco, is not
packaged, produced, sold, or

83 distributed in single-use units, including:

84 (i) tablets;

85 (ii) lozenges;

86 (iii) strips;
87 (iv) sticks; or
88 (v) packages containing multiple single-use units.
89 (15) "Nicotine" means the same as that term is defined in Section
76-10-101.

90 (16) "Nicotine product" means the same as that term is defined in
Section 76-10-101.

91 (17) "Nontherapeutic nicotine device" means the same as that
term is defined in
92 Section 76-10-101.

93 (18) "Nontherapeutic nicotine device substance" means the same
as that term is defined
94 in Section 76-10-101.

95 (19) "Nontherapeutic nicotine product" means the same as that
term is defined in
96 Section 76-10-101.

97 (20) "Prefilled electronic cigarette" means the same as that term is
defined in Section
98 76-10-101.

99 (21) "Prefilled nontherapeutic nicotine device" means the same as
that term is defined
100 in Section 76-10-101.

101 (22) "Retailer" means a person that:

102 (a) sells or distributes a cigarette, an electronic cigarette product,
or a nicotine product

103 to a consumer in the state; or

104 (b) intends to sell or distribute a cigarette, an electronic cigarette
product, or a nicotine

105 product to a consumer in the state.

106 (23) "Stamp" means the indicia required to be placed on a
cigarette package that

107 evidences payment of the tax on cigarettes required by Section 59-
14-205.

108 (24) (a) "Tobacco product" means a product made of, or
containing, tobacco.

109 (b) "Tobacco product" includes:

110 (i) a cigarette produced from a cigarette rolling machine;

111 (ii) a little cigar; or

112 (iii) moist snuff.

113 (c) "Tobacco product" does not include a cigarette.

114 (25) "Tribal lands" means land held by the United States in trust
for a federally

115 recognized Indian tribe.

116 Section 2. Section 76-10-101 is amended to read:

117 **76-10-101. Definitions.**

118 As used in this part:

119 (1) (a) "Alternative nicotine product" means a product, other than
a cigarette, a

120 counterfeit cigarette, an electronic cigarette product, a
nontherapeutic nicotine product, or a
121 tobacco product, that:
122 (i) contains nicotine;
123 (ii) is intended for human consumption;
124 (iii) is not purchased with a prescription from a licensed
physician; and
125 (iv) is not approved by the United States Food and Drug
Administration as nicotine
126 replacement therapy.
127 (b) "Alternative nicotine product" includes:
128 (i) pure nicotine;
129 (ii) snortable nicotine;
130 (iii) dissolvable salts, orbs, pellets, sticks, or strips; and
131 (iv) nicotine-laced food and beverage.
132 (c) "Alternative nicotine product" does not include a fruit, a
vegetable, or a tea that
133 contains naturally occurring nicotine.
134 (2) "Cigar" means a product that contains nicotine, is intended to
be burned under
135 ordinary conditions of use, and consists of any roll of tobacco
wrapped in leaf tobacco, or in
136 any substance containing tobacco, other than any roll of tobacco
that is a cigarette.

137 (3) "Cigarette" means a product that contains nicotine, is
intended to be heated or
138 burned under ordinary conditions of use, and consists of:
139 (a) any roll of tobacco wrapped in paper or in any substance not
containing tobacco; or
140 (b) any roll of tobacco wrapped in any substance containing
tobacco which, because of
141 its appearance, the type of tobacco used in the filler, or its
packaging and labeling, is likely to
142 be offered to, or purchased by, consumers as a cigarette described
in Subsection (3)(a).
143 (4) (a) "Electronic cigarette" means:
144 (i) any electronic oral device:
145 (A) that provides an aerosol or a vapor of nicotine or other
substance; and
146 (B) which simulates smoking through the use or inhalation of the
device;
147 (ii) a component of the device described in Subsection (4)(a)(i);
or
148 (iii) an accessory sold in the same package as the device
described in Subsection
149 (4)(a)(i).
150 (b) "Electronic cigarette" includes an oral device that is:
151 (i) composed of a heating element, battery, or electronic circuit;
and
152 (ii) marketed, manufactured, distributed, or sold as:
153 (A) an e-cigarette;

154 (B) an e-cigar;
155 (C) an e-pipe; or
156 (D) any other product name or descriptor, if the function of the
product meets the
157 definition of Subsection (4)(a).

158 (c) "Electronic cigarette" does not mean a medical cannabis
device, as that term is
159 defined in Section [26-61a-102](#).

160 (5) "Electronic cigarette product" means an electronic cigarette,
an electronic cigarette
161 substance, or a prefilled electronic cigarette.

162 (6) "Electronic cigarette substance" means any substance,
including liquid containing
163 nicotine, used or intended for use in an electronic cigarette.

164 (7) (a) "Flavored electronic cigarette product" means an
electronic cigarette product
165 that has a taste or smell that is distinguishable by an ordinary
consumer either before or during
166 use or consumption of the electronic cigarette product.

167 (b) "Flavored electronic cigarette product" includes an electronic
cigarette product that
168 has a taste or smell of any fruit, chocolate, vanilla, honey, candy,
cocoa, dessert, alcoholic
169 beverage, herb, or spice.

170 (c) "Flavored electronic cigarette product" does not include an
electronic cigarette
171 product that:

172 (i) has a taste or smell of only tobacco, mint, or menthol; or

173 (ii) has been approved by an order granting a premarket tobacco
product application of
174 the electronic cigarette product by the United States Food and Drug
Administration under 21

175 U.S.C. Sec. 387j(c)(1)(A)(i).

176 (8) "Nicotine" means a poisonous, nitrogen containing chemical
that is made
177 synthetically or derived from tobacco or other plants.

178 (9) "Nicotine product" means an alternative nicotine product or a
nontherapeutic
179 nicotine product.

180 (10) (a) "Nontherapeutic nicotine device" means a device that:

181 (i) has a pressurized canister that is used to administer nicotine
to the user through
182 inhalation or intranasally;

183 (ii) is not purchased with a prescription from a licensed physician;
and

184 (iii) is not approved by the United States Food and Drug
Administration as nicotine
185 replacement therapy.

186 (b) "Nontherapeutic nicotine device" includes a nontherapeutic
nicotine inhaler or a

187 nontherapeutic nicotine nasal spray.

188 (11) "Nontherapeutic nicotine device substance" means a
substance that:

189 (a) contains nicotine;

190 (b) is sold in a cartridge for use in a nontherapeutic nicotine
device;

191 (c) is not purchased with a prescription from a licensed physician;
and

192 (d) is not approved by the United States Food and Drug
Administration as nicotine

193 replacement therapy.

194 (12) "Nontherapeutic nicotine product" means a nontherapeutic
nicotine device, a

195 nontherapeutic nicotine device substance, or a prefilled
nontherapeutic nicotine device.

196 (13) "Place of business" includes:

197 (a) a shop;

198 (b) a store;

199 (c) a factory;

200 (d) a public garage;

201 (e) an office;

202 (f) a theater;

203 (g) a recreation hall;

204 (h) a dance hall;

205 (i) a poolroom;

206 (j) a café;

207 (k) a cafeteria;

208 (l) a cabaret;

209 (m) a restaurant;

210 (n) a hotel;

211 (o) a lodging house;

212 (p) a streetcar;

213 (q) a bus;

214 (r) an interurban or railway passenger coach;

215 (s) a waiting room; and

216 (t) any other place of business.

217 (14) "Prefilled electronic cigarette" means an electronic cigarette
that is sold prefilled

218 with an electronic cigarette substance.

219 (15) "Prefilled nontherapeutic nicotine device" means a
nontherapeutic nicotine device

220 that is sold prefilled with a nontherapeutic nicotine device
substance.

221 (16) "Retail tobacco specialty business" means the same as that
term is defined in

222 Section [26-62-102](#).

223 (17) "Smoking" means the possession of any lighted cigar,
cigarette, pipe, or other

224 lighted smoking equipment.

225 (18) (a) "Tobacco paraphernalia" means equipment, product, or
material of any kind
226 that is used, intended for use, or designed for use to package,
repackage, store, contain,
227 conceal, ingest, inhale, or otherwise introduce a tobacco product, an
electronic cigarette
228 substance, or a nontherapeutic nicotine device substance into the
human body.
229 (b) "Tobacco paraphernalia" includes:
230 (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
with or without
231 screens, permanent screens, hashish heads, or punctured metal
bowls;
232 (ii) water pipes;
233 (iii) carburetion tubes and devices;
234 (iv) smoking and carburetion masks;
235 (v) roach clips, meaning objects used to hold burning material,
such as a cigarette, that
236 has become too small or too short to be held in the hand;
237 (vi) chamber pipes;
238 (vii) carburetor pipes;
239 (viii) electric pipes;
240 (ix) air-driven pipes;
241 (x) chillums;
242 (xi) bongs; and
243 (xii) ice pipes or chillers.
244 (c) "Tobacco paraphernalia" does not include matches or lighters.

245 (19) "Tobacco product" means:
246 (a) a cigar;
247 (b) a cigarette; or
248 (c) tobacco in any form, including:
249 (i) chewing tobacco; and
250 (ii) any substitute for tobacco, including flavoring or additives to
tobacco.
251 (20) "Tobacco retailer" means:
252 (a) a general tobacco retailer, as that term is defined in Section
26-62-102; or
253 (b) a retail tobacco specialty business.
254 Section 3. **Effective date.**
255 This bill takes effect on July 1, 2022.

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