

PENALTIES FOR ILLEGAL SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE PRODUCTS, & NICOTINE PRODUCTS

Criminal penalties imposed on a retail owner or an employee for selling a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21. Utah Criminal Code 76-10-114

Offense	Criminal Penalty When Someone Sells to an Individual Younger than 21	
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 imposed on a general tobacco retailer when an retail owner or an employee sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21.

Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit Penalties: 26-62-301, 26-62-304, 26-62-305

Violation	Civil Penalty Issued to General Retailer When Someone Sells to an Individual Younger than 21
1st Violation	Employee Sale: Impose fine of \$1,000 on Tobacco Retailer. Owner Sale: Impose fine of \$2,000 on Tobacco Retailer.
2nd Violation*	Employee Sale: Impose fine of \$1,500 on Tobacco Retailer. Owner Sale: Impose fine of \$5,000 on Tobacco Retailer <u>and</u> revoke general tobacco retailer permit.^ *Violation and penalties are based on 2nd violation within 1 year of the 1st previous violation.
3rd Violation**	Employee Sale: Suspension of tobacco permit for 30 consecutive business days, [^] or impose fine of \$2,000 imposed on Tobacco Retailer. **Violation and penalties are based on 3rd violation within 2 years of the previous 2 violations.
4th Violation***	Employee Sale: Impose fine of \$2,000 on Tobacco Retailer <u>and</u> revoke tobacco permit.^ ***Violation and penalties are based on 4th violation within 2 years of the previous 3 violations.

Civil penalties imposed on a retail tobacco specialty business when a retail owner or an employee sells a tobacco product, an electronic cigarette products, or nicotine products to an individual younger than 21.

Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit Penalties: 26-62-301, 26-62-304, 26-62-305

Violation	Civil Penalty Issued to Retail Tobacco Specialty Business When Someone Sells to an Individual Younger than 21
1st Violation	Employee or Owner Sale: Impose a fine of \$5,000 on Tobacco Retailer <u>and</u> immediately suspend the permit for 30 consecutive days. [^] The local health dept. may also recommend to a municipality that the retail tobacco specialty business license issued under 10-8-41.6 or 17-50-333 be revoked.
2nd Violation**	Employee or Owner Sale: Impose a fine of \$10,000 on Tobacco Retailer <u>and</u> revoke the tobacco permit for the retail tobacco specialty business.^ **Violation and penalties are based on 2nd violation within 2 years of the 1st previous 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.

CIVIL PENALTIES FOR VIOLATING TOBACCO RETAIL PERMIT REQUIREMENTS UNDER UTAH CODE 26-62.

Civil penalties imposed on a tobacco retailer for violating the terms of a tobacco, electronic cigarette, and nicotine product retail permit. Utah Code 26-62-301.

Violation	Civil Penalty for Violating 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. *Violation and penalties are based on 2nd violation within 1 year of the 1st previous violation.
3rd Violation**	Suspension of tobacco permit for 30 consecutive business days, [^] or impose fine of \$2,000 imposed on Tobacco Retailer. **Violation and penalties are based on 3rd violation within 2 years of the previous 2 violations.
4th Violation***	Impose fine of \$2,000 on Tobacco Retailer <u>and</u> revoke tobacco permit. ^{^^} ***Violation and penalties are based on 4th violation within 2 years of the previous 3 violations. If applicable the local health department may also recommend to a municipality the retail tobacco specialty business license issued under Utah 10-8-41.6 or Utah Code 17-50-333 be revoked.

[^]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 the employee was trained. Refer to Utah Code 26-62-306 for more information.
- This Utah Tobacco Retailer Guide and training quiz is an approved employee training program. Tobacco retail owners and employees can take a free online quiz at <https://utahtobaccolaws.org/training/>. The quiz is designed to test participant's knowledge about preventing the sale of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21. Upon completion the free online quiz provides participants a certificate that can be used as proof of training documentation.
- The civil penalty is the tobacco retailer's responsibility. Withholding 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

Reminder:

Your local health department may be willing to assist with you with understanding the law to prevent criminal and civil penalty violations. They may also be able to assist with your training needs. Page 25 of this guide includes the contact information for each of Utah's 13 local health departments.

WHERE TO GO FOR HELP

Materials to assist you in your efforts are available free of charge, and may include posters, decals, and point-of-sale stickers. To order these materials, please contact your local health department. Also, your local health department may be willing to assist with your training needs.

Local Health Department	County(s)	Telephone
Bear River Health Department	Cache, Box Elder, Rich	(435) 792-6510
Central Utah 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 Public Health	San Juan	(435) 359-0038
Southeast Utah Health Department	Carbon, Emery, Grand	(435) 637-3671
Southwest Utah Health Department	Beaver, Garfield, Iron, Kane, Washington	(435) 637-3528
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) 851-7095
Wasatch County Health Department	Wasatch	(435) 657-3307
Weber-Morgan Health Department	Morgan, Weber	(801) 399-7100