

1 BUT UNDER TWENTY-ONE YEARS OF AGE FROM HANDLING OR OTHERWISE
2 HAVING ANY CONTACT WITH CIGARETTES, TOBACCO PRODUCTS, OR
3 NICOTINE PRODUCTS THAT ARE OFFERED FOR SALE AT THE RETAILER'S
4 BUSINESS."

5 Page 10, strike line 16 and substitute "the division shall perform, CAUSE
6 TO BE PERFORMED, OR COORDINATE WITH A LOCAL AUTHORITY IN THE
7 PERFORMANCE OF at least TWO".

8 Page 11, line 2, strike "(4)(c)(I)," and substitute "(4)(c)".

9 Page 11, line 26, strike the second "AND".

10 Page 12, strike lines 2 and 3 and substitute "OF RETAIL LOCATIONS THAT
11 THE DIVISION SHALL PERFORM, CAUSE TO BE PERFORMED, OR COORDINATE
12 WITH A LOCAL AUTHORITY IN THE PERFORMANCE OF EACH YEAR. THE
13 RULES MUST ENSURE THAT ANY COORDINATION BETWEEN THE DIVISION
14 AND A LOCAL AUTHORITY ON THE PERFORMANCE OF COMPLIANCE CHECKS
15 SATISFIES FEDERAL REQUIREMENTS.

16 (III) TO ENSURE THAT COMPLAINTS RECEIVED BY THE DIVISION
17 ARE FORWARDED TO THE APPROPRIATE LOCAL AUTHORITY AND THAT
18 COMPLAINTS RECEIVED BY THE LOCAL AUTHORITY ARE FORWARDED TO
19 THE DIVISION FOR THE TIMELY INVESTIGATION INTO AND ACTION TAKEN
20 ON THE COMPLAINTS."

21 Page 14, strike lines 24 through 27.

22 Page 15, strike lines 1 through 13 and substitute "LICENSING
23 REQUIREMENTS ON RETAILERS, THE DIVISION SHALL:

24 (I) ISSUE A STATE LICENSE TO THE RETAILER UPON THE RETAILER
25 DEMONSTRATING TO THE DIVISION THAT THE RETAILER HAS OBTAINED A
26 LOCAL LICENSE AND PAYING THE STATE LICENSE FEE; AND

27 (II) (A) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(II)(B) OF THIS
28 SECTION, SET THE STATE LICENSE RENEWAL DATE ON THE SAME DATE AS
29 THE LOCAL LICENSE RENEWAL DATE. THE DIVISION SHALL PRORATE THE
30 INITIAL STATE LICENSE FEE IF SETTING THE STATE LICENSE RENEWAL DATE
31 IN LINE WITH THE LOCAL LICENSE RENEWAL DATE REQUIRES RENEWAL
32 WITHIN LESS THAN TWELVE MONTHS AFTER THE INITIAL STATE LICENSE
33 WAS ISSUED.

34 (B) IF A LOCAL GOVERNMENT FIRST IMPOSES A LOCAL LICENSING
35 REQUIREMENT ON CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE

1 PRODUCTS ON OR AFTER JULY 1, 2021, THE LOCAL GOVERNMENT SHALL
2 SET THE LOCAL LICENSE RENEWAL DATE FOR A RETAILER ON THE SAME
3 DATE AS THE STATE LICENSE RENEWAL DATE.

4 (c) THE DIVISION SHALL COLLABORATE WITH ANY LOCAL
5 AUTHORITY REGARDING THE PERFORMANCE OF COMPLIANCE CHECKS AND
6 COMPLAINTS RECEIVED IN ACCORDANCE WITH RULES PROMULGATED BY
7 THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 44-7-104 (5)(a)(III).".

8 Page 15, strike lines 23 through 27.

9 Page 16, strike lines 1 through 18 and substitute:

10 "(b) IF THE STATE LICENSE CONCERNS A RETAIL LOCATION THAT IS
11 LOCATED WITHIN THE JURISDICTION OF A LOCAL AUTHORITY THAT IMPOSES
12 LICENSING REQUIREMENTS ON RETAILERS, THE DIVISION SHALL RENEW THE
13 LICENSEE'S STATE LICENSE UPON THE LICENSEE DEMONSTRATING TO THE
14 DIVISION THAT THE LICENSEE IS OPERATING UNDER A VALID LOCAL
15 LICENSE AND PAYING THE RENEWAL STATE LICENSE FEE.".

16 Page 18, strike line 27 and substitute "limitations contained in section".

17 Page 20, strike lines 6 through 8 and substitute:

18 (b) A retailer that does not claim an affirmative defense pursuant
19 to section 44-7-106 (2) may waive its right to a hearing and pay the
20 appropriate fine.".

21 Page 23, strike lines 19 through 27.

22 Page 24, strike lines 1 through 13 and substitute:

23 "(2) Notwithstanding subsection (1) of this section, ~~no~~ A fine for
24 a violation of section 44-7-103 (1) shall NOT be imposed upon a retailer
25 that can establish an affirmative defense to the satisfaction of the division
26 or the hearing officer that, prior to the date of the violation, it:

27 (a) Had adopted and enforced a written policy against selling
28 cigarettes, tobacco products, or nicotine products to persons under
29 ~~eighteen~~ TWENTY-ONE years of age;

30 (b) Had informed its employees of the applicable laws regarding
31 the sale of cigarettes, tobacco products, or nicotine products to persons
32 under ~~eighteen~~ TWENTY-ONE years of age;

1 (c) Required employees to verify the age of cigarette, tobacco
2 product, or nicotine product customers by way of photographic
3 identification; and
4 (d) Had established and imposed disciplinary sanctions for
5 noncompliance.
6 (3) The affirmative defense established in subsection (2) of this
7 section may be used by a retailer only ~~twice~~ ONCE at each location within
8 any twenty-four-month period.
9 (4) (a) (I) THE PENALTY for a violation of section 44-7-103 (2) or
10 ~~(3), the penalty shall be as follows: (4.5) IS~~
11 ~~(a) (I) For a violation of section 44-7-103 (2), a fine of~~
12 ~~twenty-five dollars for a first violation committed".~~

13 Page 25, strike lines 2 through 9.

14 Renumber succeeding sections accordingly.

15 Page 26, strike lines 12 through 22.

16 Renumber succeeding sections accordingly.

17 Strike "THIRTY-SIX-MONTH" and substitute "TWENTY-FOUR-MONTH" on:
18 **Page 21**, lines 15, 18, and 25; and **Page 22**, line 5.

19 Strike "~~twenty-four-month~~ THIRTY-SIX-MONTH" and substitute
20 "twenty-four-month" on: **Page 22**, lines 13, 15, 17, 19, and 22; **Page 24**,
21 lines 14, 17, 21, 23, and 25; and **Page 25**, line 1.

22 Strike "THIRTY-SIX" and substitute "TWENTY-FOUR" on: **Page 23**, lines 4,
23 6, and 11.

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