

DAVIS COUNTY BOARD OF HEALTH

TOBACCO RETAILER REGULATION



Davis

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1.0 PURPOSE

The purpose of this regulation is to preserve, promote, and protect the public health, safety and general welfare of the residents and visitors in Davis County by establishing a process to administer tobacco retailer permits.

2.0 SCOPE

This regulation is applicable to all facilities that sell tobacco products within all incorporated and unincorporated areas of Davis County.

3.0 AUTHORITY AND APPLICABLE LAWS

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26A-1-121.

The provisions of Utah Title 26, Chapter 62, Tobacco Retail Permit and R384-324 Tobacco Retailer Permit Process, are hereby adopted and incorporated by reference subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

4.0 DEFINITIONS

4.1 DEPARTMENT: The Davis County Health Department.

4.2 GENERAL TOBACCO RETAILER: A tobacco retailer that is not a retail tobacco specialty business.

4.3 PLAN REVIEW: The process by which the Department will verify the accuracy of the information provided by a Retail Tobacco Specialty Business through the permit application process.

4.4 RETAIL TOBACCO SPECIALTY BUSINESS: A tobacco retailer in which:
The sale of tobacco 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;
20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or
The retail space features a self-service display for tobacco products.

5.0 REGULATION

5.1 Tobacco Retailers in Davis County

All tobacco retailers in Davis County must obtain a valid tobacco retailer permit from the Department.

5.1.1 Plan Review

A Plan Review shall be completed for all new Retail Tobacco Specialty Businesses.

5.2 Enforcement

It is unlawful for any Person to interfere with the Department in the performance of its duties or to violate any provision of this regulation.

5.2.1 Notice of Violation.

A notice of violation may be issued for any violation of this regulation.

6.0 PENALTY

6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123

Pursuant to UCA Section 26A-1-123:

- 6.1.1 Any Person who is found guilty by a court having proper jurisdiction of violating any of the provisions of this regulation; or, violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor in accordance with UCA Section 26A-1-123;
- 6.1.2 Any Person who is found guilty of a subsequent similar violation occurring within two years of the initial violation is guilty of a class A misdemeanor;
- 6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation;
- 6.1.4 Conviction under this section does not relieve the Person convicted from civil liability.

6.2 Civil and Administrative Penalties

The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures Regulation.

- 6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice of Violation or Order issued under this regulation shall be subject to:
 - 6.2.1.1 The payment of costs incurred in the enforcement of any violation and may include costs attributable to any affected local agencies; and,
 - 6.2.1.2 A civil penalty pursuant to applicable state laws such as UCA Section 26A-1-114, 121, 123 and the Davis County Board of Health Adjudicative Hearing Regulation.

7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end the provisions of this regulation are declared to be severable.

8.0 FEES

Fees are determined by Utah Title 26, Chapter 62, Tobacco Retail Permit and Utah Rule R384-324, Tobacco Retailer Permit Process. As of July 1, 2018, the following retailer permit fees will be applied:

New Retail Tobacco Specialty Plan Review	\$250
New Retail Tobacco Specialty Business Permit (1 year)	\$30
Renewal Retail Tobacco Specialty Business Permit (1 year)	\$20
New General Tobacco Retailer Permit (2 years)	\$30
Renewal General Tobacco Retailer Permit (2 years)	\$20
Tobacco Retailer Permit Reinstatement	\$30

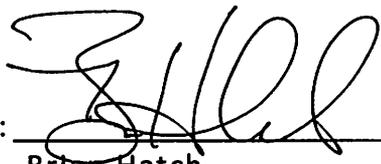
IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved, and adopted this regulation this 14th day of August, 2018.

Effective date: 14th day of August, 2018

Davis County Board of Health

Signed: 

Dr. Ryan Stewart,
Board Chairman

Attest: 

Brian Hatch,
Director of Health