

TOBACCO RETAILER PERMIT APPLICATION

A tobacco retailer without a valid permit may not: (i) place a tobacco product, an electronic cigarette (e-cigarette) product, or a nicotine product in public view; (ii) display any advertisement related to a tobacco product, an e-cigarette product, or a nicotine product that promotes the sale, distribution, or use of those products; or (iii) sell, offer for sale, or offer to exchange for any form of consideration, tobacco, a tobacco product, an e-cigarette product, or a nicotine product (UCA 26-62-201).

There are two types of Tobacco Retailer permits. Read the following descriptions and choose the type of permit you need for your tobacco retail location, and sign indicating you understand the requirements for the permit you are seeking.

General Tobacco Retailer – This type of retail location typically sells a wide variety of products with a limit to the amount and type of tobacco products* offered and sold. This permit is valid for two years. I understand in order to be permitted as a **General Tobacco Retailer**, the business identified in this application **may not** at any time:

- 1) Have 20% or more of the total retail floor space allocated to the offer, display, or storage of tobacco products;
- 2) Have 20% or more of the total shelf space allocated to the offer, display, or storage of tobacco products;
- 3) Have more than 35% of total quarterly gross receipts from the sale of tobacco products;
- 4) Have any self-service display of tobacco product;
- 5) Hold itself out as a retail tobacco specialty business (RTSB) and cause a reasonable person to believe the commercial establishment is a RTSB (UCA 10-8-41.6); or,
- 6) Sell flavored e-cigarette products, with the exception of the following flavors: tobacco, mint, and menthol** (UCA 76-10-113).

I further understand, and my signature binds all proprietors listed on this application, if any of these requirements for a General Tobacco Retailer is violated this permit may be revoked by the issuing health department.

Signature

Date

Retail Tobacco Specialty Business – This type of retail location typically specializes in the sale of tobacco products. This permit is valid for one year. I understand in order to be permitted as a **Retail Tobacco Specialty Business**, the business identified in this application **may not** at any time, be within:

- 1) 1,000 feet of a community location***; or
- 2) 600 feet of another retail tobacco specialty business; or,
- 3) 600 feet of property used or zoned for agricultural or residential use.

A map of the proposed retail tobacco specialty business is attached showing the location of any community location, other retail tobacco specialty business, agricultural or residential property. The application for a Retail Tobacco Specialty Business cannot be processed without the map (UCA 26-62-202).

Additionally, I understand in order to be permitted as a **Retail Tobacco Specialty Business**, the business identified in this application must also adhere to the following:

- 1) Prominently display a sign on the public entrance of the business that communicates: the prohibition on the presence of an individual under 21 years old in a retail tobacco specialty business; and the prohibition on the sale of tobacco products and e-cigarette products to an individual under 21 years old (UCA 26-62-205).
- 2) Electronically verify proof of age for any individual that enters the premises, and prohibit any individual from entering the business if the individual is under 21 years old (UCA 26-62-401)

I further understand, and my signature binds all proprietors listed on this application, if any of these requirements for a Retail Tobacco Specialty Business is violated, this permit may be revoked by the issuing health department.

Signature

Date

*Tobacco products include any cigar, cigarette, e-cigarette, chewing tobacco, tobacco paraphernalia, or any substitute for a tobacco product, including flavoring or additives to tobacco. Refer to UCA 59-14-102; 76-10-101; 76-10-104.1 for specific definitions of tobacco products.

**"Flavored e-cigarette product" does not include an e-cigarette product that has a taste or smell of only tobacco, mint, or menthol (UCA 76-10-101).

***Community location includes a public or private K-12 school; licensed child-care or preschool; trade or technical school; church; public library; public playground; public park; youth center or other place used primarily for youth oriented activities; public recreational facility; public arcade; homeless shelter (UCA 10-8-41.6).

ALL Tobacco Retailers must adhere to these requirements for the sale of tobacco products, e-cigarette products, or nicotine products:

- 1) It is illegal for any retailer to sell tobacco products, e-cigarette products, nicotine products, and tobacco paraphernalia to anyone younger than 21 (UCA 26-62-305, 76-10-104, 76-10-104.1).
- 2) A retailer shall provide the customer with an itemized receipt for each sale of a tobacco product, an e-cigarette product, or a nicotine product that separately identifies:
 - a) the name of the tobacco product, the e-cigarette product, or the nicotine product;
 - b) the amount charged for each product; and,
 - c) the date and time of the sale (UCA 26-62-206).
- 3) A retailer shall maintain an itemized transaction log for each sale of a tobacco product, an e-cigarette product, or a nicotine product with the required details of each receipt for at least one year, and make it available to an enforcing agency or peace officer upon request (UCA 26-62-206).
- 4) A retailer may not advertise an e-cigarette product as a tobacco cessation device (UCA 26-57-103).
- 5) A retailer may not give or distribute a tobacco product without charge, including samples, and excluding buy one, get one free (UCA 76-10-112).

Section 1: Proprietor Information

Name:	Name:
Address:	Address:
City/State: Zip:	City/State: Zip:
Phone:	Phone:
Email:	Email:
Authorized to receive permit-related communications and notices.	Authorized to receive permit-related communications and notices.

Have any of the proprietors listed above been determined to have violated any state or federal tobacco laws in the past 24 months? If so, list all violations and dates of each violation:

Proprietor has not violated any state or federal tobacco laws in the past 24 months.

Section 2: Business Information ***If you own more than one business in Davis County, use Attachment A.**

Name:	
Address of Physical Location of Business:	
City/State:	Zip:
Phone:	Email:

To which physical address would you like all permit-related communications sent?

Proprietor's address Storefront address Other _____

Attach a copy of Tobacco License from the Utah State Tax Commission. The application **cannot** be processed without a current license (UCA 26-62-202).

Section 3: Permit Fees (fees are for EACH business location)

New permit	\$30.00
Permit renewal	\$20.00
Permit reinstatement	\$30.00
Retail Tobacco Specialty Business Plan Review (required for all new retail tobacco specialty business permit applications). Add New Permit fee.	\$250.00

Payment must be submitted with the application. No permit will be issued without the payment of the applicable permit fees. A plan review will not be conducted for tobacco specialty businesses until payment of the plan review fee. It is the responsibility of the applicant to verify proximity restrictions. Fees cannot be refunded if it is later determined the identified location does not meet proximity requirements. Make all checks payable to Davis County Health Department.

Mail complete application, payment, and required supporting documentation to:

Tobacco Retailer Permitting
Davis County Health Department
PO Box 618
Farmington, UT 84025

Section 4: Attestation

I certify the information provided is true and accurate to the best of my understanding. I understand any incorrect information may result in the suspension or revocation of the health department's tobacco permit. I also understand the health department may recommend to the business licensing entity that the business license be suspended or revoked. Any such action will be reported to the Utah State Tax Commission.

Print Name

Signature

Date

Office Use ONLY:

Payment Received: ____Yes ____No Initials: _____ Amount: \$ _____ Date: _____

Permit Approved: ____Yes ____No Permit #: _____ Date: _____

ATTACHMENT A: ADDITIONAL BUSINESS LOCATIONS

Business Information

Name:	
Address of Physical Location of Business:	
City/State:	Zip:
Phone:	Email:

Attach a copy of Tobacco License from the Utah State Tax Commission. The application cannot be processed without a current license (UCA 26-62-202).

Business Information

Name:	
Address of Physical Location of Business:	
City/State:	Zip:
Phone:	Email:

☐ Attach a copy of Tobacco License from the Utah State Tax Commission. The application cannot be processed without a current license (UCA 26-62-202).

Business Information

Name:	
Address of Physical Location of Business:	
City/State:	Zip:
Phone:	Email:

Attach a copy of Tobacco License from the Utah State Tax Commission. The application cannot be processed without a current license (UCA 26-62-202).

Permit Fees (fees are for EACH business location).	total number	fee amount per each	amount due
New permit		\$30.00	
Permit renewal		\$20.00	
Permit reinstatement		\$30.00	
Retail Tobacco Specialty Business plan review (Required for all new retail tobacco specialty business permit applications. Add to New Permit fee.)		\$250.00	
TOTAL:			