

HEALTH REGULATION # 13
TOBACCO HANDLERS PERMITS



Adopted by the Tooele County Board of Health
May 4, 2001
Revisions made and adopted January 8, 2009

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Tooele County Health Department

By: _____
Director

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**TOOELE COUNTY HEALTH DEPARTMENT
REGULATIONS FOR TOBACCO HANDLER PERMITS**

1.0 PURPOSE

It is the purpose of these regulations to regulate establishments that sell tobacco in a way that will:

- 1.1 Reduce the number of youth who uses tobacco;
- 1.2 Prevent the sale of tobacco to minors under 19;
- 1.3 Educate stores and individuals who sell tobacco within Tooele County;
and
- 1.4 Reduce life-threatening consequences associated with tobacco use.

2.0 DEFINITIONS

As used in this regulation:

- 2.1 Department means: the Tooele County Health Department.
- 2.2 Director means: the Director of the Tooele County Health Department or an authorized representative.
- 2.3 Tobacco means: any product that consists of nicotine in the form of a cigarette, smokeless, cigar or any loose tobacco that is wrapped.
Electronic nicotine delivery systems (ENDS), including electronic cigarettes (e-cigarettes) and other devices such as electronic hookahs, electronic cigars, and vape pens, are battery-powered devices capable of delivering aerosolized nicotine and additives to the user.
- 2.4 Retailer means: any person who sells tobacco to individuals for personal consumption, any establishment where tobacco is present and for sale, vending machines containing tobacco.
- 2.5 Employee means: any person who sells tobacco for retail.

3.0 ISSUANCE OF PERMITS

- 3.1 All employees who sell tobacco at retail establishments must be at least 19 years old, attend a Tobacco Handlers Class and hold a valid Tobacco Handlers Permit issued by the Department.
- 3.2 The Department shall issue tobacco handlers permits only to those persons who, after making proper application, successfully pass a written examination. The Department may prescribe such other requirements, as it deems necessary.
- 3.3 A fee, as established by the Tooele County Board of Health, shall be submitted by each applicant for a tobacco handlers permit. Any person needing to obtain a copy of a valid permit shall also submit a fee. The Department shall remit said fees to the Tooele County Clerk.
- 3.4 All tobacco handlers permits shall expire after a period of time as determined by the Tooele County Board of Health and must be renewed prior to expiration date by proper application to the Department. Permits may be renewed upon completion of requirements specified for issuance of a new permit, or any lesser requirements as specified by the Department.

4.0 REVOCATION OF PERMIT

- 4.1 The Department may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules and regulations, or for interference with the Department in the performance of duty.
- 4.2 Prior to revocation, the Department shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of ten days following service of such notice unless a written requests for hearing is filed with the Department within the ten day period.

5.0 ENFORCEMENT

- 5.1 The Tooele County Health Department, Community Health Division (Tobacco Prevention and Control (TPCP)), is charged with the enforcement of the provisions of these rules and regulations.

6.0 RIGHT TO APPEAL

- 6.1** Within ten calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within ten calendar days after the request. A written notice of the Director's final determination shall be given within, ten calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action of the order.

7.0 PENALTY

- 7.1** Any person who has violated any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123 Utah Code 1953 as amended. If a person has been found guilty of a similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1-123 Utah Code 1953 as amended.
- 7.2** Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 7.3** The county attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.
- 7.4** In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department.

8.0 SEVERABILITY

- 8.1** If any provisions, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of these regulations. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provisions or application and to this end the provisions of these regulations are hereby declared severable.

IN WITNESS WHEREOF, the Tooele County Board of Health has passed, approved and adopted this regulation this _____ day of _____, _____.

ATTEST:

TOOELE COUNTY BOARD OF HEALTH

JEFF COOMBS
Health Officer

KATHY TAYLOR
Chairperson