

Tobacco Inspection Procedures  
Utah County Health Department  
Division of Health Promotion and Prevention  
July 2025

## **Purpose**

The purpose of this document is to establish a consistent and standardized process for inspecting tobacco retailers to ensure compliance with local and state tobacco laws: Utah Code § 26B-7-501 to 521, § 26A-1-128, § 76-9-1101 to 1119, Utah Rule R384-415, and the Utah County Health Department Regulation for Tobacco Retailer Permitting.

## **Scope**

- A. This procedure applies to Utah County Health Department (UCHD) staff conducting routine and complaint-based inspections at tobacco retailers within Utah County.
- B. Tobacco Prevention and Control Inspector (Inspector), under the supervision of the Tobacco Program Manager and the Division Director, will follow this Procedure to inspect retail tobacco businesses for the purpose of compliance with applicable laws and reducing youth access in the tobacco retail environment.
- C. UCHD reports data to state liaisons within Department of Health and Human Services (DHHS), Utah County municipality business license offices, and UCHD staff.

## **Procedure**

- 1. Compliance Checks
  - a. The purpose of compliance checks is to ensure compliance with applicable laws related to tobacco retailers and tobacco sales, limiting sales to individuals under the age of 21.
  - b. Operations
    - i. Inspectors will complete a minimum of two compliance checks per year at each retail establishment, excluding establishments that are permitted as bars, at the airport, or where memberships are required to enter.
    - ii. Inspectors will utilize the contracts UCHD has with city and county law enforcement. These compliance checks with law enforcement are unannounced based on Utah Code. Routes for compliance checks are prepared in advance based on geographic areas and availability of law enforcement.
    - iii. Compliance checks will be conducted during operating hours.
  - c. Violations
    - i. Underage Sale Violations will likely result in the issue of a Notice of Violation (NOV) by the UCHD.
    - ii. Other violations of applicable laws observed during these compliance checks may also be included in the NOV as part of a single violation. § 26B-7-519(1)(b).
    - iii. Penalties will follow those set forth in § 26B-7-518.

## 2. Retailer Inspections

- a. These inspections are unannounced but will occur Monday through Friday during normal business hours.
- b. The purpose of the inspections is to ensure compliance with applicable laws related to tobacco retailers and tobacco sales, limiting improper access to products in the retail environment.
- c. Violations
  - i. These inspections generally ensure compliance with laws regarding flavored electronic cigarette products, itemized receipts, self-serve tobacco displays, electronic verification of IDs by Retail Tobacco Specialty Businesses (RTSB's), etc.
  - ii. Inspectors will provide the store with a Warning Letter informing them of areas where the store is not in compliance with relevant laws.
  - iii. Inspectors will inform the Tobacco Program Manager and/or the Division Director who, with the approval of the Department Director, will produce and issue an NOV for the violations observed during the inspection.
  - iv. Penalties will follow those set forth in § 26B-7-518.
  - v. UCHD will follow any other procedures regarding specific violations that may be outlined in Utah Code.

## 3. Complaint-Based Inspections

- a. These inspections are based upon reports received by the UCHD of particular violations of law by a specific retailer and may occur anytime during a store's operating hours.
- b. The purpose of the inspection is to investigate the complaint and to ensure compliance with applicable laws.
- c. Violations will follow the same process as a routine inspection.

## 4. Follow-up Inspections

- a. Registry Violations
  - i. The purpose of following up on violations of selling a product that is required to be on the Utah State Tax Commission Registry to be sold will follow the requirements set forth in Utah Code.
  - ii. Follow-up will take place within 30-days of the issuance of the NOV for the violation.
  - iii. At least one day prior to inspection, the Inspectors will send an email to the email address on file announcing which day the inspection will take place, and during what window of time they intend to arrive.
  - iv. Follow-up is primarily ensuring that embargoed products, or other products not on the Utah State Tax Commission registry, are not being sold and that documentation has been received regarding the return or destruction of those products.

- v. Any other non-registry violations observed during this inspection may result in a new Warning Letter and NOV.

b. General Violations

- i. Follow-up on violations of other laws, such as itemized receipts, self-serve tobacco displays, ID verification, etc. will follow the requirements set forth in Utah Code, Utah Administrative Code, Utah County Regulations, or any other type of violation.
- ii. Follow-up will take place within 14-days of issuance of the Warning Letter.
- iii. Inspection will be unannounced but will occur Monday to Friday during normal business hours.
- iv. Failure to resolve the issue(s) resulting in the violation(s) being followed up on, or any new violations observed during this inspection may result in a new Warning Letter and NOV.

5. Embargo

- a. For purposes of Tobacco Prevention and Control, “embargo,” as used in § 26A-1-131(1)(e)-(i) means an instruction from the Inspectors requiring tobacco retail business to remove a particular “electronic cigarette product from the retailer’s active inventory and work with the wholesaler or distributor to return or dispose the electronic cigarette product” if it is required to be on the Utah State Tax Commission Registry and it is not.
- b. Inspectors will document embargoed products to be removed by the retailer.
- c. Consistent with § 26A-1-131(3), Inspectors will inform retailer of requirement to “provide documentation establishing a clear chain of custody back to the manufacturer” or, if that is not available, a chain of custody proving the product has been destroyed.

6. Additional Information

- a. Retail education materials, including a state approved retail education guide and Age 21 register stickers, are promoted and distributed to all tobacco retailers.
- b. Inspections will be conducted as resources allow and as required by law.

Approved:

Division Director:  Date: 7/14/2025

Department Director:  Date: 7/14/2025