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## City Council Agenda Information

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**To:** Mayor Steve Miller and City Council

**From:** Stephanie Fricke, City Recorder

**Date:** March 2, 2026

**Subject:** Ordinance 26-11 is an Ordinance amending Sections 9.44.040 Cigars, Cigarettes and Tobacco Prohibitions, 9.52.030 Permitting Use by Minors in Place of Business, 9.52.040 Furnishing to Minors, and 9.52.050 Buying or Possessing by Minors of Title 9 Public Peace, Morals, and Welfare of the Hyrum City Municipal Code to change the minimum age from nineteen (19) to twenty-one (21) years.

### **Summary:**

The proposed ordinance is being presented to amend Sections 9.44.040, 9.52.030, 9.52.040, and 9.52.050 of the Municipal Code of Hyrum City to update the minimum legal age for the sale, furnishing, purchase, possession, and use of tobacco and electronic cigarette products from nineteen (19) years to twenty-one (21) years.

This amendment is necessary to ensure the City's code is consistent with current state and federal law, including Utah House Bill 324 and the federal Tobacco 21 legislation enacted in 2019. Aligning the City's ordinances with these legal standards helps avoid conflicts in enforcement and ensures retailers and residents are subject to uniform age requirements.

In addition to maintaining legal compliance, the ordinance supports public health objectives by reducing youth access to tobacco and nicotine products. Research consistently shows that raising the minimum legal sales age decreases initiation rates among adolescents and young adults, thereby lowering long-term health risks associated with nicotine addiction. Updating the Municipal Code will strengthen local enforcement authority, provide clarity to businesses and law enforcement, and reinforce the City's commitment to protecting the health, safety, and welfare of the community.

ORDINANCE 26-11

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 9 of the Hyrum City Municipal Code sets forth regulations governing public peace, morals, and welfare, including the sale and use of cigarettes, tobacco, and psychotoxic chemicals; and

WHEREAS, the City Council of Hyrum City finds that the use of tobacco products, electronic cigarette products, and nicotine products by persons under the age of twenty-one (21) poses significant risks to public health and safety; and

WHEREAS, the United States Congress amended the Federal Food, Drug, and Cosmetic Act in December 2019 to raise the federal minimum legal sales age for tobacco products from nineteen (19) to twenty-one (21); and

WHEREAS, the State of Utah enacted Utah House Bill 324, which amended provisions of the Utah Code to raise the minimum age for the sale and furnishing of tobacco products and electronic cigarette products from nineteen (19) to twenty-one (21); and

WHEREAS, Utah law requires local municipalities to enforce state tobacco regulations and to ensure that local ordinances are consistent with state and federal law; and

WHEREAS, the City Council finds it necessary and appropriate to amend the Hyrum City Municipal Code to conform with Utah law and federal law by prohibiting the sale, furnishing, distribution, possession, and use of tobacco products by persons under twenty-one (21) years of age;

NOW, THEREFORE, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING SECTIONS 9.44.040 CIGARS, CIGARETTES AND TOBACCO PROHIBITIONS, 9.52.030 PERMITTING USE BY MINORS IN PLACE OF BUSINESS, 9.52.040 FURNISHING TO MINORS, AND 9.52.050 BUYING OR POSSESSING BY MINORS OF TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE OF THE HYRUM CITY MUNICIPAL CODE TO CHANGE THE MINIMUM AGE FROM NINETEEN (19) TO TWENTY-ONE (21) YEARS.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 9.44.040 of the Hyrum City Municipal Code is hereby amended as follows:

**9.44.040 Cigars, Cigarettes And Tobacco-Prohibitions**

- A. A person is guilty of a class C misdemeanor if he sells, gives or furnishes in any manner any cigar, cigarette or tobacco in any form to any minor under the age of ~~nineteen~~ twenty-one (21) years.
- B. A minor under the age of ~~nineteen~~ twenty-one (21) years commits a class C misdemeanor if he possesses, purchases or accepts any cigar, cigarette or tobacco in any form.
- C. Any person who maintains in his place of business a tobacco vending machine accessible to persons under the age of ~~nineteen~~ twenty-one (21) years or provides any method of self-help for the disposition to persons under the age of ~~nineteen~~ twenty-one (21) years by gift, sale or otherwise of any cigarette or cigarette paper or wrapper or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever is guilty of a class C misdemeanor. Cigarette vending machines shall be deemed accessible to persons under the age of ~~nineteen~~ twenty-one (21) years except:
  - 1. Where they are in locations where persons ~~nineteen~~ twenty-one (21) and under are prohibited;
  - 2. Where the machine can be operated only by the owner or his employee, either directly or through a remote control device which is inaccessible to the customer and must be operated for each sale;
  - 3. In private industrial locations where only adult employees are customarily allowed, provided such locations are inaccessible to persons under age ~~nineteen~~ twenty-one (21) years;
  - 4. In adult private clubs; provided, that such locations are inaccessible to persons under the age of ~~nineteen~~ twenty-one (21) years. (Prior code § 13-311; Ord. 26-11)

2. Section 9.52.030 of the Hyrum City Municipal Code is hereby amended as follows:

**9.52.030 Permitting Use By Minors In Place Of Business**

It is a class C misdemeanor for the proprietor of any place of business to knowingly permit persons under age ~~nineteen~~ twenty-

one (21) years to frequent a place of business while they are using tobacco. (Prior code § 13-1013; Ord. 26-11)

3. Section 9.52.040 of the Hyrum City Municipal Code is hereby amended as follows:

**9.52.040 Furnishing To Minors**

Any person who sells, gives or furnishes any cigars, cigarettes or tobacco in any form, to any person under the age of ~~nineteen~~ twenty-one (21) years of age, is guilty of a class C misdemeanor. (Prior code § 13-1014; Ord. 26-11)

4. Section 9.52.050 of the Hyrum City Municipal Code is hereby amended as follows:

**9.52.050 Buying Or Possessing By Minors**

Any person under the age of ~~nineteen~~ twenty-one (21) years who buys, accepts or who has in his possession any cigar, cigarette or tobacco in any form is guilty of a class C misdemeanor, or may be classified as a delinquent child and referred to the juvenile courts. (Prior code § 13-1015; Ord. 26-11)

5. REPEALER. All ordinances, and resolutions of the City, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

6. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

7. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

8. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 5<sup>th</sup> day of March, 2026.

HYRUM CITY

BY: \_\_\_\_\_  
Steve J. Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Posted: \_\_\_\_\_

<b>Roll Call Vote -</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Councilmember Steve Adams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Rebecca Foulger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Michael Nelson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Nalyn Nelson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Craig Rasmussen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>