

***Effective 7/1/2015***

**26-42-107 Allocation of civil penalties.**

Civil monetary penalties collected under this chapter shall be allocated as follows:

- (1) if a local health department conducts an adjudicative proceeding under Section 26-42-104, the penalty shall be paid to the treasurer of the county in which the violation was committed, and transferred to:
  - (a) the local health department if it conducts a civil hearing under Section 26-42-104 alone; or
  - (b) in equal portions to the local health department and the other agencies that participated in the hearing process;
- (2) if the state Department of Health conducts a civil hearing under Section 26-42-104, the penalty shall be deposited in the state's General Fund, and may be appropriated by the Legislature to the state Department of Health for use in enforcement of this chapter; and
- (3) if the civil penalty involves suspension or revocation of a license to sell tobacco under Section 59-14-203.5, 59-14-301.5, or 59-14-803, half of the penalty shall be paid to the commission, and the other half shall be allocated under Subsection (1) or (2), as appropriate.

Amended by Chapter 132, 2015 General Session