

RETAILER TOBACCO 21 FAQ

1. What is the “Tobacco 21” law?

A person may not sell to, distribute to, purchase for, or permit the purchase of any tobacco, nicotine vapor, or alternative tobacco product to anyone under the age of 21. Also, no one under the age of 21 may purchase, use or possess any tobacco, nicotine vapor or alternative tobacco product.

2. Are there any exemptions to the law?

No, Indiana has never previously had any exemptions to the age of purchase and the Federal law does not allow for any exemptions to the purchase age of tobacco products.

3. When does it go into effect?

The state law goes into effect **July 1, 2020**.

4. What is defined as a tobacco product?

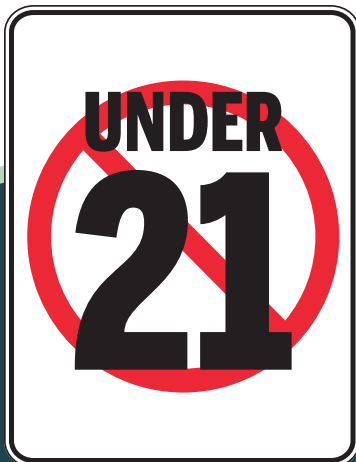
Any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis and wrappings.

5. What is defined as a nicotine vapor product?

Any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from nicotine in a solution or other form. This includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form including JUUL and like products.

6. What is defined as an alternative tobacco product?

Any noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, or ingested by any other means. The law does exclude FDA regulated cessation products under Chapter V (21 U.S.C. § 351 et seq) of the Federal Food, Drug and Cosmetic Act. Stores and pharmacies may continue to sell OTC Nicotine Replacement Therapy to people ages of 18-20.



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7. Should I post notice of the new law?

Yes, the proprietor of every retail establishment that sells any tobacco product, nicotine vapor product or alternative nicotine product must post a sign indicating that the sale to anyone under the age of 21 is prohibited by law. Failure to post said sign is a Class C infraction with a fine up to \$500. DMHA has created signage that is compliant with the law here: [website](#).

8. What if I sell tobacco through a vending machine?

Tobacco products, nicotine vapor products and alternative nicotine products may be sold from a vending machine only if the machine is: Posted with a notice, in a conspicuous manner and place, indicating that the purchase OR possession of tobacco products by anyone under the age of 21 is forbidden. Again, specific signage can be found here: [website](#).

9. Where can I see the actual law?

IC 35-46-1-10.3

10. What are the penalties for violation?

If an individual or establishment is found in violation, the penalties will be as follows, based on number of violations of this law in the past year:

No previous violations= \$400 | 1 violation in past year = \$800
2 violations in past year= \$1,400 | 3 violations in past year = \$2,000

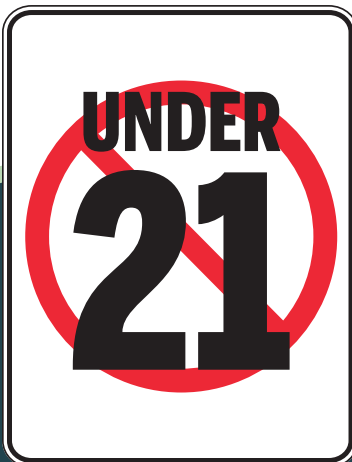
More than three violations in the past year could result in tobacco certificate being revoked.

11. How will the law be enforced?

Indiana Alcohol and Tobacco Commission will conduct retail tobacco compliance inspections to ensure that tobacco retailers are selling tobacco products to persons age 21 or over.

12. What is my role in Tobacco 21?

Tobacco retailers play a direct role in protecting youth from nicotine addiction and the deadly effects of tobacco and nicotine use and can help prevent our youth from becoming the next generation to die prematurely from tobacco and nicotine-related disease. Tobacco retailers shall at minimum comply with Indiana's retail tobacco sales laws by checking the ID of customers who appear 30 years old or younger and make sure all staff are trained on how to properly check an ID.



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INDIANA TOBACCO 21 FAQ

1. What is the “Tobacco 21” law?

A person may not sell to, distribute to, purchase for or permit the purchase of any tobacco, nicotine vapor, or alternative tobacco product to anyone under the age of 21. Also, no one under the age of 21 may purchase, use or possess any tobacco, nicotine vapor or alternative tobacco product. The law was passed on March 18, 2020 and takes effect July 1, 2020.

2. Why Tobacco 21?

- ▶ Tobacco kills over 480,000 people each year, more than automobile crashes, gun violence and opiate overdoses combined. More than 11,000 of those deaths occur in Indiana.
- ▶ Indiana spends \$2.9 billion in health care costs for smoking-related diseases each year.
- ▶ The developing teenage brain is particularly vulnerable to the effects of nicotine.
- ▶ More than 95% of addicted smokers start before age 21.
- ▶ 2,600 Hoosier youth become regular smokers each year.
- ▶ Youth commonly obtain tobacco from social sources, especially older teens. In Indiana, 65% of high school smokers under age 18 reported getting cigarettes from social sources, such as having someone else buy cigarettes for them.
- ▶ Early exposure to nicotine increases the risk of addiction and puts adolescents at a higher risk for depression, anxiety and substance abuse.

3. Why does Indiana need a Tobacco 21 law? Wasn't the federal age increased?

Yes, it is true that the federal age to purchase tobacco did increase, but that law only impacts retailers that sell tobacco products to someone underage and can only be enforced by law enforcement officers working to enforce federal laws. This means in order for state law enforcement officers to enforce this law there has to be a state law indicating their ability to do so. The federal law does not impact the possession of or distribution to someone under the age of 21. The state law now allows for those 18-20 years old to be ticketed for possession of a tobacco product or someone over 21 purchasing a tobacco product for someone under 21.

4. When does the law go into effect?

The state law goes into effect **July 1, 2020**.



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5. Are there any exemptions or “grandfathering” in the law?

No. There are no exemptions and no grandfathering clause in the law. If you are not 21 or older as of July 1, 2020, you will not be able to purchase, use or possess any tobacco or nicotine product.

6. What products are included in the law?

Any product made of tobacco including cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis and wrappings. Also included are any noncombustible products containing nicotine that use a heating element or power source to produce vapor from nicotine in a solution or other form. This includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product and any cartridge of nicotine in solution or other form, including JUUL and similar products. Alternative nicotine products are also included in the law. These include any noncombustible product that contains nicotine whether chewed, absorbed, dissolved or ingested.

7. What about nicotine replacement therapies?

The law does exclude FDA-regulated cessation products under Chapter V (21 U.S.C. § 351 et seq) of the federal Food, Drug and Cosmetic Act. Stores and pharmacies may continue to sell over the counter nicotine replacement therapies to people ages of 18–20.

8. What is the penalty for purchase, use or possession by someone under 21?

The purchase, use or possession by someone under 21 years of age is a Class C infraction with a fine up to \$500.

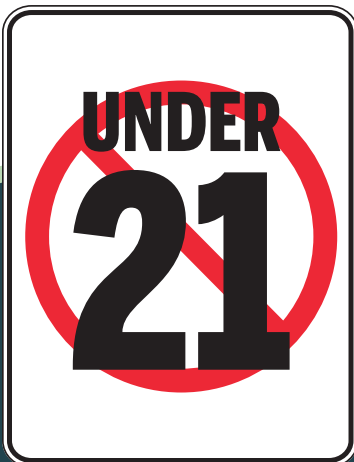
9. What is my role in Tobacco 21?

Adults play an important role in protecting youth from nicotine addiction and the deadly effects of tobacco and nicotine use and can help prevent our youth from becoming the next generation to die prematurely from tobacco and nicotine-related disease. Do not purchase for or provide tobacco or nicotine products to anyone under the age of 21. If you suspect a retailer of selling to underage youth, please report them by calling your local Indiana Alcohol & Tobacco Commission office which can be found at: www.in.gov/atc/isepp/2379.htm.

10. What if I want to quit?

For free help quitting, contact the Indiana Tobacco Quitline 24 hours a day/7 days a week. Call **1-800-QUIT-NOW** or visit quitnowindiana.com.

Youth interested in quitting e-cigarettes can text ‘Indiana’ to 88709 to enroll in the This is Quitting text messaging program.



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