

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?

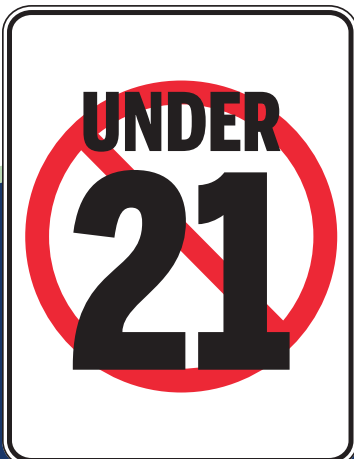
Any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis and wrappings.

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: www.in.gov/fssa/dmha/3470.htm.

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: www.in.gov/fssa/dmha/3470.htm.

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

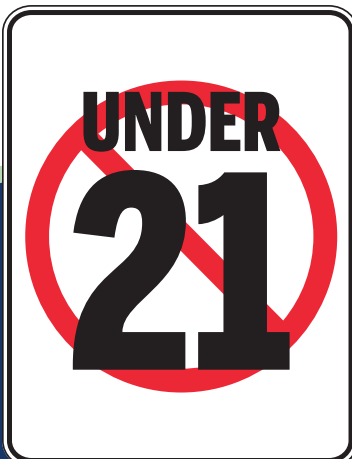
More than three violations in the past year could result in tobacco certificate being revoked.

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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