

Tobacco 21

Frequently Asked Questions

What is the new legal sale age for ALL tobacco products in the United States?

On December 20, 2019, the Federal Food, Drug and Cosmetic Act was amended to raise the federal minimum age of sale of tobacco products from 18 to 21. It is now illegal for a retailer to sell any tobacco product (including cigarettes, cigars and electronic vaping products) to anyone under 21 years of age.

How do I comply with the new law?

The minimum sale age for ANY tobacco product (including cigarettes, cigars and electronic vaping products) is now 21 years old. The Food and Drug Administration offers guidance on how to comply with the new law:

- Check photo ID of everyone under age 30 who attempts to purchase any tobacco product.
- Only sell tobacco products to customers age 21 or older.
- Customer may not have direct access to tobacco products. A clerk must access the product and give it to the customer.
- Do NOT sell tobacco products in a vending machine unless in a 21+ facility.

What is the legal age a clerk or cashier needs to be to sell tobacco in Nevada?

There is no current state law stating what age clerks or cashiers need to be to sell tobacco or tobacco products. As long as a clerk or cashier is of legal age to work in Nevada they are allowed to sell tobacco.

Who do I need to ID?

It is good practice to ask for ID from everyone who is attempting to purchase ANY tobacco product, including cigarettes, cigars and electronic vaping products. A clerk must confirm the age of any purchaser under the age of 30 by checking their ID.

What happens if I accidentally make a tobacco sale to a minor?

Under federal law the sale of a tobacco product to an underage customer could result in significant monetary penalties, which can be greater than \$17,000. The State of Nevada could also impose fines to retailers as well as clerks under NRS 370.521.

Why are these laws important?

These laws are designed to make regulated tobacco products less accessible and less attractive to youth. Increasing the minimum sale age of tobacco products to 21 is an effective strategy to reduce smoking and other tobacco use among youth and save lives.

About 95% of smokers start before age 21. Every day, nationwide, nearly 1,900 youth smoke their first cigarette, and in Nevada, 800 children under the age of 18 become daily smokers every year. Tobacco use results in more than 480,000 deaths as a result of cigarette smoking or exposure to secondhand smoke.

How will this law make a difference?

Although youth cigarette use has decreased, this decline is now being offset by increases in other products like electronic vaping products, which is creating a new generation of Nevadans who are at risk of nicotine addiction. Studies show that increasing the purchasing age from 18-21 would significantly reduce the number of adolescents and young adults who start smoking or vaping and reduce tobacco-related deaths in our community and nationwide.

Are there any resources for retailers?

Tobacco retailers play an important role in protecting children and adolescents by complying with the law and regulations.

Tobacco retailers are encouraged to take the FREE online tobacco merchant training at ResponsibleTobaccoNV.com. Responsible Tobacco NV is a resource to help merchants ensure proper training of staff members related to selling tobacco products. This online training provides an overview of federal and state laws, tobacco products, how to properly check IDs and dealing with challenging customer interactions.

What does that mean for retailers in Tribal communities, states, and local communities where the minimum legal sales age for tobacco products is still 18?

In order to comply with federal law, retailers cannot sell to those under the age of 21. This is true in states that have not yet raised the minimum age in state law and in those places where exemptions were created for military service members. The minimum legal sales age is 21 for all people in all places. This holds true in all states, U.S. territories and Tribal jurisdictions.