

# State of Nevada Tobacco Control Program

## What is the 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 for sale of tobacco products from 18 to 21. **It is now illegal for a tobacco retailer to sell any tobacco product to anyone under 21.**

## Why are these laws important?

Currently, the U.S. is facing a potential epidemic with youth tobacco use, particularly e-cigarette use. Increasing the minimum purchase age to 21 is a proven, effective strategy to reduce the number of youth who are using tobacco products. As a retailer, you play an important role in protecting children and adolescents by complying with the law and regulations.

## The Food and Drug Administration compliance rules:

- Check photo ID of everyone who looks younger than age 27 who attempts to purchase any tobacco product.
- Only sell tobacco products to customers 21 or older.
- **Do not** sell tobacco products in a vending machine unless in an adult-only facility.
- **Do not** give away free samples of tobacco products to consumers, including any of their components and parts.
- **Do not** sell cigarettes, cigarette tobacco, or roll-your-own tobacco that contain a characterizing flavor (except menthol or tobacco flavor).
- **Do not** sell cigarette packages containing fewer than 20 cigarettes, including single cigarettes, known as “loosies.”
- **Do not** break open packages of tobacco products to sell products in smaller amounts.
- **Do not** sell or distribute cigarette tobacco products without a warning statement on the package.
- **Do not** display advertisements for tobacco products without a warning statement.
- If you sell cigars individually, and not in a product package, you must post a sign with six required warning statements within 3 inches of each cash register.

## What happens if I accidentally sell tobacco or a tobacco product to someone under 21?

Under Federal Law, selling tobacco products to an underage customer could result in monetary penalties for the retail merchant, which can exceed \$17,000. The State of Nevada can impose monetary penalties to either or both the retail merchant and the clerk who made the sale.

## What is the legal age for a clerk to sell tobacco products?

Clerks or cashiers need to be at least 18 to sell tobacco or tobacco products.

## What does compliance mean for retailers in tribal jurisdictions, or states where the minimum legal sales age for tobacco products is still 18?

To comply with the Federal Law, tobacco retail merchants in all 50 states, all U.S. territories, and U.S. Tribal Jurisdictions cannot sell tobacco products to anyone under the age of 21.

## What training and resources are available for tobacco retailers in Nevada?

The State of Nevada has a FREE online tobacco retailer training and certification program available at [ResponsibleTobaccoNV.com](https://ResponsibleTobaccoNV.com). Here you will find tools and resources to ensure proper training of tobacco retail management and staff. Training modules are provided with content including federal and state laws, how to properly check IDs, how to deal with challenging customers, and more. The site also provides several printable resources including store signage, new hire training materials, Nevada Tobacco Use Statistics, and more.

