

## Training Module

Federal and State

Laws and Regulations





## Federal Laws and Regulations

### Tobacco 21

On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. This legislation (known as “Tobacco 21” or “T21”) became effective immediately, and it is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars and e-cigarettes – to anyone under 21. The new federal minimum age of sale applies to all retail establishments and persons with no exceptions.

The T21 Law applies to sales of any tobacco products – including cigarettes, smokeless tobacco, hookah tobacco, cigars, pipe tobacco, electronic nicotine delivery systems including e-cigarettes and e-liquids – to anyone under 21 years of age.

### Tobacco Control Act

To protect the public and create a healthier future for all Americans, the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), signed into law on June 22, 2009, gives FDA authority to regulate the manufacture, distribution, and marketing of tobacco products. The Tobacco Control Act has the following authorities:

- Restricts Tobacco Marketing and Sales to Youth\*\* (See more details below)
- Requires Smokeless Tobacco Product Warning Labels
- Ensures “Modified Risk” Claims are Supported by Scientific Evidence
- Requires Disclosure of Ingredients in Tobacco Products
- Preserves State, Local, and Tribal Authority

\*\*Restricts Tobacco Marketing and Sales to Youth: The Tobacco Control Act puts in place specific restrictions on marketing tobacco products to children and gives FDA authority to take further action in the future to protect public health. These provisions ban:

- Sales to minors
- Vending machine sales, except in adult-only facilities
- The sale of packages of fewer than 20 cigarettes
- Tobacco-brand sponsorships of sports and entertainment events or other social or cultural events
- Free giveaways of sample cigarettes and brand-name non-tobacco promotional items

[Tobacco retailers play a direct role in protecting kids from nicotine addiction and the deadly effects of tobacco use.](#)

[Learn what tobacco retailers need to do to comply with the rules designed to prevent our nation's youth from becoming the next generation of Americans to die prematurely from tobacco-related disease.](#)

## To comply, retailers must:

- Check photo ID of everyone under age 27 who attempts to purchase any tobacco product(s).
- Only sell tobacco product(s) to customers aged 21 or older.
- Do NOT sell cigarettes, cigarette tobacco, roll-your-own-tobacco, smokeless tobacco, cigars, hookah, pipe tobacco and e-cigarettes, e-liquids, or nicotine gel in a vending machine or self-service display unless in an adult-only facility.
- Do NOT give away free samples of any tobacco product, including any of their components or parts.
- Do NOT sell cigarettes, cigarette tobacco, or roll-your-own tobacco that contain a characterizing flavor (except menthol or tobacco flavor).
- Do NOT display advertisements for tobacco products without a health warning statement.
- 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

*Note: If you mix e-liquids or make or modify vaporizers, and you also sell these products, you will be regulated as both a retailer and a tobacco product manufacturer.*

*Note: 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.*

*Note: If you mix loose tobacco, and you also sell these products, you will be regulated as both a retailer and a tobacco product manufacturer.*

## **Why are FDA's Tobacco 21 Law and Regulations Important?**

These laws and regulations are designed to make regulated tobacco products less accessible and less attractive to youth. Every day, nearly 1,500 kids smoke their first cigarette and about 200 kids become daily cigarette smokers. Additionally, the CDC and FDA found that in 2020, 19.6 percent of high school students currently used e-cigarettes. Many of these children will become addicted before they are old enough to understand the risks. As a retailer, you play an important role in protecting children and adolescents by complying with the law and regulations.

# Nevada State Laws and Regulations



## State of Nevada, Law Updates

Nevada Revised Statutes (NRS) 370.521 will take effect on January 1, 2023. The addition to the law states “A person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system to verify that the person is 21 years of age or older. A person who violates this subsection is liable for a civil penalty of \$100 for each offense”.

This update is the result of Assembly Bill 360, which passed in 2021.

## State of Nevada Tobacco 21 Law

On April 20, 2021, Governor Sisolak signed Assembly Bill 59, known as the Tobacco 21 Bill, into State Law.

The Law states, "The sale of cigarettes, any product containing, made or derived from tobacco, vapor product, alternative nicotine product or product containing, made or derived from nicotine to persons under 21 years of age is prohibited by law..."

The Law also pertains to any sale or distribution of tobacco products using a computer network, telephonic network, or other network.

(For more details on computer network, telephonic network or other network sales and distribution of tobacco products, go to: <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7312/Text#>)

### State regulations include:

- A person shall not sell, distribute, or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law.

*Note: As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.*

- It is unlawful for any retailer to sell cigarettes using any type of display:
  - (i) Which contains cigarettes and is in any area to which customers are allowed access; and
  - (ii) From which cigarettes are readily accessible to a customer without the assistance of the retailer, except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished. A notice indicating that "the sale of cigarettes, any product containing, made or derived from tobacco, vapor product, alternative nicotine product or product containing, made or derived from nicotine to persons under 21 years of age is prohibited by law" must be located at the point-of-sale for tobacco products. Also, 1 sign that complies with the requirements of NRS-442-340.
- A person who violates this subsection shall be punished by a fine of not more than \$100.
- A person shall not sell, distribute, or offer to sell cigarettes, cigarette paper [or other tobacco products], any product containing, made or derived from tobacco, vapor product, alternative nicotine product or product containing, made or derived from nicotine to any person under the age of 21 years.

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# Nevada Responsible Tobacco Retailer



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