

# Laws and Compliance

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## Nevada State Laws

### State of Nevada Tobacco 21 Law

On April 20, 2021, Governor Sisolak signed Assembly Bill (AB) 59, in the 81<sup>st</sup> session, known as the Tobacco 21 Bill, into State Law. This Law updated two Nevada Revised Statutes (NRS): [NRS 202.24935](#) and [NRS 370.521](#) to increase the minimum legal age of sale for tobacco products, and expanded what is considered a tobacco product. NRS 370.521 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..."



For more details on AB 59 in the 81<sup>st</sup> legislative session, please visit:  
<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7312/Text#>

### State statute relating to the sale of tobacco and related products to minors include:

#### Nevada Revised Statutes 370.521

- NRS 370.521(1) A person shall not sell, distribute or offer to sell cigarettes, cigarette paper, any product containing, made or derived from tobacco, any vapor product, any alternative nicotine product or any product containing, made or derived from nicotine to any person under the age of 21 years.
- NRS 370.521(3) 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.
  - 82<sup>nd</sup> Legislative session [AB 122](#) amended NRS 370.521(3) effective [May 30, 2023](#) to state in section 3, the provisions of this subsection do not apply to a person selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products in a face-to-face transaction that occurs in an area within a casino where loitering by persons who are under 21 years of age is already prohibited pursuant to NRS 463.350. As used in this subsection, "casino" means an establishment which holds a nonrestricted license as defined in NRS 463.0177 and which is operating

16 or more slot machines together with any other game, race book or sports pool.

### Compliance and Penalties

As a condition of receiving the federal Substance Use Prevention, Treatment, and Recovery Block Grant funds, federal law requires the state to conduct **random, unannounced inspections** of tobacco outlets to determine compliance rates. Underage customers may be enlisted to test compliance at retail locations.

The Attorney General's Office is the entity responsible for enforcement of the law. Upon the completion of an inspection, the supervisor must prepare a report that includes, among other things, the name and position of the person from whom the underage customer attempted to purchase restricted products, the name and address of the establishment at which the purchase was attempted and the result of the inspection.

#### **Penalties for noncompliance include:**

As written in NRS 370.521(6), a retail clerk/employee/agent of licensee who violates this section is liable for a civil penalty of:

<b>Nevada Fines &amp; Penalties- Retail Employee</b>	
<b># of Violations</b>	<b>Fine</b>
1 <sup>st</sup> within 24 months	\$100
2 <sup>nd</sup> within 24 months	\$250
3 <sup>rd</sup> + within 24 months	\$500

In conjunction, NRS 370.521(7) states the retail licensee/owner will also be liable for the violations and the following penalties:

<b>Nevada Fines &amp; Penalties – Retail Licensee</b>	
<b># of Violations</b>	<b>Fine</b>
1 <sup>st</sup> & 2 <sup>nd</sup> within 24 months	A Warning Notice

3 <sup>rd</sup> within 24 months	\$500
4 <sup>th</sup> + within 24 months	\$1,250
5 <sup>th</sup> + within 24 months	\$2,500

**Note:** On May 30, 2024, Governor Joe Lombardo signed AB 53 into law, in the 82<sup>nd</sup> legislative session. This will increase the penalty structure laid out in NRS 370.521(7), for licensees effective January 1, 2024. The new penalty structure will be as follows:

<b><i>Nevada Fines &amp; Penalties – Retail Licensee</i></b>	
<b><i># of Violations</i></b>	<b><i>Fine</i></b>
<i>1<sup>st</sup> within 24 months</i>	<i>\$2,500</i>
<i>2<sup>nd</sup> within 24 months</i>	<i>\$5,000</i>
<i>3<sup>rd</sup> within 24 months</i>	<i>\$7,500</i>
<i>4<sup>th</sup> + within 24 months</i>	<i>\$10,000</i>

## Federal Laws

### 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 the Food and Drug Administration (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 youth and young adults from nicotine addiction and the deadly effects of tobacco use.

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.

The FDA's [This is Our Watch](#) program helps retailers comply with federal tobacco laws and offers a full toolkit of materials and resources.

### Why is FDA's Tobacco 21 Law Important?

These [laws](#) are designed to make regulated tobacco products less accessible and less attractive to youth. Every day, nearly 1,500 youth smoke their first cigarette and about 200 youth 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.

### Federal Compliance

The FDA conducts inspections of tobacco product retailers to determine a [retailer's compliance](#) with federal laws, including The Federal Food, Drug, and Cosmetic Act, as amended by the Tobacco Control Act.

During Undercover Buy Operations, an attempt to purchase is made by an underage customer hired by the FDA, and the retailer is unaware an inspection is taking place.

Also, FDA conducts compliance checks of retail stores for:

- Inspections for other compliance requirements.
- Inspections in response to public complaints to the FDA's request for the public to report suspected store violations.

NOTE: The FDA indicates that it will conduct follow-up compliance checks on stores found in violation.

The FDA has a variety of enforcement tools to address retailers who violate Federal statutes or regulations, including civil money penalties, warning letters, seizures, injunctions, no-sale orders and/or criminal prosecution. [Fines and penalties](#) shown here are as of March 2023.

FDA Fines and Penalties	
# of Violations	Fine
1 <sup>st</sup>	Warning Letter
2 <sup>nd</sup> within 12 months	\$250

3 <sup>rd</sup> within 24 months	\$500
4 <sup>th</sup> + within 24 months	\$2,000
5 <sup>th</sup> within 36 months	\$5,000
6 <sup>th</sup> + within 48 months	\$10,000 as determined by the Secretary on a case-by-case basis

## References

- Nevada Revised Statutes. *Chapter 202 – Crimes against public health and safety*. <https://www.leg.state.nv.us/NRS/NRS-202.html#NRS202Sec24935>
- Nevada Revised Statutes. *Chapter 370 – Tobacco: Licenses and taxes; supervision of manufacturers and wholesale dealers*. <https://www.leg.state.nv.us/NRS/NRS-370.html#NRS370Sec521>
- U.S. Food and Drug Administration. (2023). *Advisory and enforcement actions against industry for selling tobacco products to underage purchasers*. <https://www.fda.gov/tobacco-products/compliance-enforcement-training/advisory-and-enforcement-actions-against-industry-selling-tobacco-products-underage-purchasers#civilmoneypenalty>
- U.S. Food and Drug Administration. (2022). *Retailer training and enforcement*. <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/retailer-training-and-enforcement>

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<https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/selling-tobacco-products-retail-stores>
- U.S. Food and Drug Administration. (2023). *This is our watch*.  
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Training Module:  
**Laws and Compliance**

Tobacco Control Program  
Division of Public and Behavioral Health

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