

# Do you sell tobacco or vapor products? DON'T SELL TO YOUTH. IT'S ILLEGAL.

Selling tobacco or vapor products to people under age 18 is a **gross misdemeanor and may result in criminal charges, fines or both.** (RCW 26.28.080)

## PENALTY for store owners

<b>\$200</b> .....	<b>1<sup>st</sup> offense</b>
<b>\$600</b> .....	<b>2<sup>nd</sup> offense*</b>
<b>\$2,000</b> .....	<b>3<sup>rd</sup> offense*</b>
6-month license suspension	
<b>\$3,000</b> .....	<b>4<sup>th</sup> offense*</b>
12-month license suspension	
<b>License revoked for</b>	
<b>5 years</b> .....	<b>5<sup>th</sup> offense*</b>

\*Within a three-year period from the most recent offense. (RCW 70.155.100)

Clerks who sell tobacco and vapor products illegally may receive additional penalties.

## Follow the law. Keep kids safe.



**1 in 13** youth smokers die early from a disease caused by smoking<sup>1</sup>



**About 50% of teens** who used tobacco in 2015 used two or more tobacco products, including vapor products<sup>1</sup>



E-cigarette use among Washington 10th graders has **quadrupled** since 2012<sup>2</sup>



Teens who vape are **6 times** more likely to smoke cigarettes as adults<sup>3</sup>



**Nicotine and chemicals** in these products harm young people's brains, hearts and lungs<sup>4</sup>



## TOBACCO AND VAPOR PRODUCTS INCLUDE:

Cigarettes  
Cigars  
Roll-your-own tobacco  
Hookah tobacco

Pipe tobacco  
Smokeless tobacco  
Dissolvable tobacco

E-cigarettes  
Vape pens/devices  
E-liquid/e-juice  
Nicotine gels

## DO

**Only sell tobacco or vapor products** to people 18 and older

**Check photo ID of every person** who appears to be under 27

**Keep all tobacco or vapor products** behind the counter or in a locked display, not in a self-service display \*

**Post a sign at cash registers** about the age restriction

## DON'T

**Open packages** of cigarettes

**Sell single cigarettes** or less than a full pack

**Sell flavored cigarettes or flavored roll-your-own tobacco,** except menthol flavor \*\*

**Sell tobacco or vapor products** in vending machines \*

**Give away free samples** of tobacco

**Give away free tastes** of vapor products that contain nicotine \*\*\*

### Exceptions:

\* Unless products are in a place restricted to adults only

\*\* You can sell flavored cigars, smokeless tobacco, and dissolvable tobacco, and flavored e-liquids for vapor products

\*\*\* You can give away free samples of smokeless tobacco or free tastes of vapor products that do not contain nicotine, but only in a store restricted to adults only

## About the new tobacco and vapor product laws

Washington State law regulates all vapor products, whether or not they contain nicotine. New federal tobacco laws now apply to ENDS (Electronic Nicotine Delivery Systems that contain tobacco or nicotine), cigars, hookah and pipe tobacco, and dissolvable tobacco and gels. The purpose of these laws is to make tobacco and vapor products less accessible and less attractive to young people, while they remain legal for adults.

## What stayed the same?

When selling tobacco and vapor products, stores need to follow many of the same rules they have been following for selling cigarettes and smokeless tobacco. Only sell to people who are 18 or older, check photo ID, and don't sell products from a self-service display or vending machine (unless they are in a place restricted to adults only). Post a sign at each cash register that says it's illegal to sell tobacco and vapor products to anyone under 18 years old.

Retailers must apply for a license to sell vapor products, like their license to sell tobacco. Retailers that sell both can apply for a combination license. This costs less than the two licenses separately (\$250 instead of \$175 for each). Wholesale distributors and online/delivery sellers of vapor products also need a separate license. Selling vapor products without a license is now a class C felony.

## What changed?

Vapor products, including e-liquids, devices and parts, are now regulated by the law. The same rules apply whether they are sold together or separately.

Stores that only allow adults to enter can offer customers a free taste from a vapor product, but the product cannot contain nicotine. Federal law prohibits sampling a product that contains nicotine. Customers are allowed to handle or smell a product, but not inhale or keep any of it.

## The penalties for violations have doubled

State penalties for violating the rules on sales of tobacco or vapor products start at \$200 and go up to \$3,000 after multiple violations. Also, tobacco violations and vapor product violations are counted together, not separately. If you have more than five violations within three years, you can lose your license to sell tobacco and/or vapor products.

## Do you make vapor products?

Do you mix e-liquids that contain nicotine? Do you construct vapor devices that can be used with e-liquids that contain nicotine? Do you re-package or re-label these products? If so, you are a manufacturer under federal law. Manufacturers must meet additional requirements. Stores that both make and sell vapor products need to follow the rules for both. To learn more about the rules for manufacturers and full details on the federal laws, visit [fda.gov](http://fda.gov).

## More information

For full details on the state laws on tobacco and vapor products, visit [lcb.wa.gov](http://lcb.wa.gov).

## Citations

1. Centers for Disease Control and Prevention. (2016, April 14). Youth and tobacco use. Retrieved from: [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/youth\\_data/tobacco\\_use/index.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm)
2. Washington State, Tobacco Facts, 2015 Update
3. Barrington-Trimis JL, Urman R, Berhane K, et al. E-Cigarettes and Future Cigarette Use. *Pediatrics*. 2016; 138(1):e20160379
4. American Lung Association. (2016, June 2). E-cigarettes and lung health. Retrieved from Smoking facts: <http://www.lung.org/stop-smoking/smoking-facts/e-cigarettes-and-lung-health.html>