

Do you sell tobacco or vapor products?

EFFECTIVE JANUARY 1, 2020, IT IS ILLEGAL TO SELL THEM to anyone UNDER 21.

Selling tobacco or vapor products to people under age **21** is a **gross misdemeanor** and may result in **criminal charges, fines, or both.** (RCW 26.28.080)

PENALTIES for store owners

\$200	1ST OFFENSE
\$600	2ND OFFENSE*
\$2,000	3RD OFFENSE*
plus 6-month license suspension	
\$3,000	4TH OFFENSE*
plus 12-month license suspension	

License revoked for 5 years **5TH OFFENSE***

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

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

FOLLOW THE LAW. KEEP YOUNG PEOPLE SAFE.



One in 13 youth who smoke die early from a disease caused by smoking.¹



About 41% of teens who used tobacco in 2018 used two or more tobacco products, including vapor products.¹



In 2018, about **four times** as many 10th graders used e-cigarettes as smoked cigarettes.²



There is a **strong association** between the use of e-cigarettes, cigarettes, and other burned tobacco products by young people.³



Nicotine and chemicals in these products harm young people's brains, hearts and lungs.⁴



TOBACCO & VAPOR PRODUCTS INCLUDE
but are not limited to:

Cigarettes
Cigars
Roll-your-own tobacco
Hookah tobacco

Pipe tobacco
Smokeless tobacco
Dissolvable tobacco
Nicotine gels

E-cigarette vape pens/devices
E-liquid/e-juice
(For more information on vapor products, see RCW 70-345)

DO:

- Only sell tobacco or vapor products to people **21** and older.
- Check photo ID of every person.
- Keep all cigarettes, smokeless tobacco and 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.

* Unless products are in a place restricted to adults.

DON'T:

- Open packages of cigarettes.
- Sell single cigarettes or less than a full pack.
- Sell tobacco or vapor products in vending machines.*
- Sell flavored cigarettes or flavored roll-your-own tobacco (except menthol flavor **).
- Give away free samples of tobacco or free tastes of vapor products that contain nicotine.***

Exceptions:

* Unless products are in a place restricted to adults.

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

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

The NEW Tobacco and Vapor 21 Law

Engrossed House Bill 1074 was signed into law in 2019, making it illegal to sell tobacco or vapor products to anyone under 21. The law goes into effect on January 1, 2020. This applies to all tobacco and vapor products, whether or not they contain nicotine.

When selling tobacco and vapor products, stores need to follow many of the same rules. Only sell to people who are 21 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 21 and over). Post the required yellow "It's the Law" sign at each cash register that says it's illegal to sell tobacco and vapor products to anyone under 21 years old. Vapor products, including but not limited to, e-liquids, electronic devices and parts, are regulated by the law. The same rules apply whether they are sold together or separately.

Other State and Federal Vapor Product Laws

Washington State law regulates all vapor products, also referred to as Electronic Nicotine Delivery Systems (ENDS). The FDA's Center for Tobacco Products regulates ENDS (vapes, JUUL, e-cigs, hookah pens, and other ENDS) in addition to cigarettes, cigars, dissolvables, hookah tobacco, nicotine gels, pipe tobacco, roll-your-own tobacco, and smokeless tobacco products.

State Vapor Product Law (Chapter 70.345 RCW)

Licenses

Retailers must obtain a license to sell vapor products. Retailers that sell tobacco and vapor products can apply for a combination license. The combination license costs less than purchasing the two licenses separately (\$250 instead of \$175 for each). Wholesale distributors and online/delivery sellers of vapor products also need a license and/or endorsement. Selling vapor products without a license is a class C felony.

Tastings

Only stores restricted to adults 21 and over can offer customers tastings of a vapor product. Federal law prohibits sampling a product that contains nicotine. Customers are allowed to handle or smell a product, but not inhale or consume the product.

Penalties

State penalties for violating the rules on sales of tobacco or vapor products start at \$200 and go up to \$3,000 with license suspension 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? Do you construct vapor devices? 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 make and sell vapor products need to obtain a vapor product distributors license. To learn more about the rules for manufacturers and full details on the federal laws, visit fda.gov.

More Information

For full details about state laws on tobacco and vapor products, visit lcb.wa.gov/vape/regulating-vapor-products.

Citations

1. Centers for Disease Control and Prevention. (2019, February 28). Youth and tobacco use. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm
2. Youth Cigarette, E-Cigarette/Vape and Marijuana Use. Washington State Department of Health, July 2018. Retrieved on August 13, 2019. Available at: <http://www.doh.wa.gov/portals/1/Documents/Pubs/340-320-TobaccoEcigMarijuanaHealthyUseSurvey.pdf>
3. U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General — Executive Summary. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
4. American Lung Association. (2019, August 7). E-cigarettes and lung health. Retrieved from Smoking facts: <http://www.lung.org/stop-smoking/smoking-facts/e-cigarettes-and-lung-health.html>