

Retailers & Employees

The new law

- Prohibits retailers and their employees from selling or providing tobacco products, or giving coupons for tobacco purchases to any person under 18 years of age.**
Effective 9/1/97
- Prohibits distribution of free samples of tobacco products to any persons under 18 years of age.**
Effective 9/1/97
- Prohibits the sale of cigarettes in individual packages containing fewer than 20 cigarettes and imposes a \$100 fine for violations

Effective 9/1/97
- Requires retailers and their employees to request identification from all customers under the age of 27 who try to buy cigarettes or tobacco products.
Effective 1/1/98
- Allows retailers to be fined up to \$1,000 per violation or have their permit revoked or suspended for selling tobacco products to any person under 18 years of age.
Effective 9/1/97
- Makes retailers responsible for the training and supervision of employees regarding the new tobacco laws.
Effective 1/1/98
- Subjects employees to criminal prosecution for a Class C misdemeanor if they knowingly sell tobacco products to minors.
Effective 9/1/97
- Requires retailers to notify employees of the consequences of violating the tobacco law within 72 hours of when the employee begins selling tobacco products. Retailers must also retain a form signed by the employee as proof that the notice was given. In addition to the employee's name, current address, social security number, and signature date, the form must include a statement that the law has been fully explained, that the individual understands the law, and that the individual agrees to comply with the law.**
Effective 1/1/98
- Requires retailers to retain the signed employee notification form

for 60 days after the individual leaves employment. Retailers must present the forms to law enforcement officers and/or state officials on demand.**
Effective 1/1/98

- Requires retailers to conspicuously display a sign warning employees and customers about the tobacco law and the penalties for violations of the law. The Comptroller on request will provide the sign without charge to any person who sells cigarettes or tobacco products.**
Effective 9/1/97
 - Subjects retailers to random inspection by local law enforcement and state officials to ensure compliance with the tobacco law.
Effective 9/1/97
 - Prohibits the placement of tobacco vending machines in a manner permitting direct customer access in any business that is accessible to minors.**
Effective 1/1/98
 - Prohibits retailers or anyone else from selling cigarettes or tobacco products in a manner that allows customers direct access to the cigarettes or tobacco products. This provision does not apply to a facility or business that is not open at any time to persons younger than 18 years of age, or to that part of a facility or business that is an enclosure designed to store cigars in a climate-controlled environment.**
Effective 1/1/98
- ** Violation is a Class C misdemeanor, in addition, retailers are subject to suspension or revocation of their cigarette or tobacco products permit or a fine of up to \$1,000 per violation.

Minors & Parents

The new law...

- Prohibits minors from buying, using, or possessing tobacco. A minor may possess tobacco only in the presence of an adult parent, guardian, or spouse of the minor, or in the presence of an employer of the minor, if possession or receipt of the tobacco product is required in the performance of the employee's duties as an employee.
Effective 1/1/98
- Subjects minors who violate the tobacco law to a fine of up to

\$250 and attendance in a tobacco awareness program or tobacco-related community service. In addition, the parents of a minor convicted of a violation may be required to attend the tobacco awareness program with the minor.
Effective 1/1/98

- Allows for the suspension or denial of a minor's driver license or permit if the minor is convicted of a violation of the tobacco law and does not attend a tobacco awareness program or perform tobacco-related community service.
Effective 1/1/98

Advertising

The new law...

- Prohibits the advertisement of cigarettes or tobacco products within 1,000 feet of a school or church.
Effective 9/1/97
- Imposes a 10 percent fee on the gross sales price of any outdoor advertising of cigarettes or tobacco products in this state. The purchaser of such advertising must report and pay the fee to the Comptroller on a quarterly basis.
Effective 9/1/97

Permitting

The new law...

- Limits the definition of "place of business" to a commercial business, location or (permitted) vehicle. Permit applications for noncommercial locations will be denied.
Effective 9/1/97
- Makes the following permit fee changes, effective for permit years beginning on or after March 1, 1998, and June 1, 1998, as applicable:
 - \$300 - for a bonded agent permit;
 - \$300 - for a distributor permit;
 - \$200 - for a wholesaler permit; (the \$15 fee for a wholesaler vehicle permit has not changed.)
 - \$125 - for a retailer permit issued or renewed before September 1, 1999;
 - \$180 - for a retailer permit issued or renewed on or after September 1, 1999.