

Commonwealth of Virginia Tobacco 21 FAQ

WHAT IS THE NEW TOBACCO 21 LAW?

A person may not sell to, distribute to, purchase for, or permit the purchase of any **tobacco, nicotine vapor, or alternative tobacco product** to anyone under the age of 21. Also, no one under the age of 21 may purchase, use or possess any tobacco, nicotine vapor, or alternative tobacco product.

ARE THERE ANY EXEMPTIONS TO THIS LAW?

Active duty military personnel who are 18 years of age or older may purchase tobacco, nicotine vapor, and alternative tobacco products. The **ONLY** accepted proof of age for this exemption is an identification card issued by the Armed Forces of the United States.

WHEN DOES THIS LAW GO INTO EFFECT?

The law was signed into law on February 21, 2019 by Governor Ralph Northam and will go into effect **July 1, 2019**.

WHAT IS DEFINED AS A TOBACCO PRODUCT?

Any product made of tobacco and includes **cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings**.

WHAT IS DEFINED AS A NICOTINE VAPOR PRODUCT?

Any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from nicotine in a solution or other form. This includes any **electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form including JUUL and like products**.

WHAT IS DEFINED AS AN ALTERNATIVE TOBACCO PRODUCT?

Any noncombustible product containing nicotine that is intended for human consumption whether **chewed, absorbed, dissolved, or ingested** by any other means.

HOW WILL THE NEW LEGAL SALES AGE AFFECT AGE VERIFICATION?

Tobacco, nicotine vapor, and alternative tobacco products may not be sold to anyone under the age of 21* unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth.

Any of these documents constitutes acceptable proof of age:

- A valid photo driver's license or similar photo identification issued by a state or other government agency.
- A valid passport
- A photo ID issued by the Armed Forces of the United States*

ID cards issued by employers, schools, or colleges are not acceptable forms of ID.

*Persons with an active military ID may purchase tobacco, nicotine vapor, and alternative tobacco products providing they have an ID card issues by the Armed Forces of the United States.

UNDER 21 =



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SHOULD I POST NOTICE OF THE NEW LAW?

Yes, the proprietor of every retail establishment that sells any tobacco product, nicotine vapor product, or alternative nicotine product must post a sign indicating that the sale to anyone under the age of 21 is prohibited by law. Failure to post said sign, could result in a civil penalty of up to \$50.

WHAT IF I SELL TOBACCO THROUGH A VENDING MACHINE?

Tobacco product, nicotine vapor products, and alternative nicotine products may be sold from a vending machine only if the machine is:

- Posted with a notice, in a conspicuous manner and place, indicating that the purchase OR possession of tobacco products by anyone under the age of 21 is unlawful
- Is located in a place that is not open to the general public and not generally accessible to anyone under the age of 21

WHERE CAN I SEE THE ACTUAL LAW?

Chapter 102, §§ [18.2-246.8](#), [18.2-246.10](#), and [18.2-371.2](#) of the Code of Virginia which can be seen at:

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0102>



WHAT ARE THE PENALIES FOR VIOLATION?

If an individual or a retail establishment is found in violation of the law a civil penalty not to exceed \$100 for a first violation, not to exceed \$200 for a second violation, and not to exceed \$500 for a third and subsequent violation will be issued.

HOW WILL THE LAW BE ENFORCED?

The Virginia Department of Behavioral Health and Developmental Services, in collaboration with Virginia Alcohol Beverage Control, will conduct retail tobacco compliance checks to confirm whether:

- Retailers only sell tobacco products, nicotine vapor products and alternative nicotine products to persons 21 years of age or older, unless the person is 18 or older, an active military member, and has identification issued by the Armed Forces of the United States.
- Retailers request acceptable photo identification to verify the person's date of birth.

WHAT IS MY ROLE IN TOBACCO 21?

Tobacco retailers play a direct role in protecting youth from nicotine addiction and the deadly effects of tobacco and nicotine use and can help prevent our youth from becoming the next generation to die prematurely from tobacco and nicotine-related disease. Tobacco retailers shall at minimum comply with Virginia's retail tobacco sales laws.

