

# 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

**\$200**.....1<sup>st</sup> offense

**\$600**.....2<sup>nd</sup> offense\*

**\$2,000**.....3<sup>rd</sup> offense\*

6-month license suspension

**\$3,000**.....4<sup>th</sup> offense\*

12-month license suspension

**License revoked for**

**5 years**.....5<sup>th</sup> 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 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>



In 2016, about **twice** as many 10th graders used e-cigarettes as smoked cigarettes<sup>2</sup>



There is a **strong association** between the use of e-cigarettes, cigarettes, and the use of other burned tobacco products by young people<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**  
(but are not limited to):

Cigarettes  
Cigars  
Roll-your-own tobacco  
Hookah tobacco

Pipe tobacco  
Smokeless tobacco  
Dissolvable tobacco  
Nicotine gels

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

For more information on vapor products, please see RCW 70.345

## 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 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

## 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, 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 only

## About the new tobacco and vapor product laws

Washington State law regulates all vapor products. New federal tobacco laws now apply to ENDS (Electronic Nicotine Delivery Systems that contain tobacco or nicotine), cigars, hookah, pipe tobacco, 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 the required yellow "Follow the Law" sign at each cash register that says it's illegal to sell tobacco and vapor products to anyone under 18 years old.

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.

## What changed?

Vapor products, including but not limited to, e-liquids, electronic devices and parts, are now regulated by the law. The same rules apply whether they are sold together or separately.

Only adult restricted stores 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.

## 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 with 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](http://fda.gov).

## More information

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

## 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. Youth Cigarette, E-Cigarette/Vape and Marijuana Use. Washington State Department of Health, July 2017. Retrieved on August 23, 2017. 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. (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>