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Rhode Island Tobacco Control Program

Frequently Asked Questions: Family Smoking Prevention and Tobacco Control Act

Who is subject to the new regulations?

The regulations apply to tobacco: manufactures, distributors, and retailers.

How is a 'retailer' defined under the new law?

Persons who sell cigarettes or smokeless tobacco to individuals for personal consumption or who operate a facility where vending machines or self-service displays are permitted.

Do the new regulations apply to all tobacco products?

No. The regulations apply to cigarettes and smokeless tobacco only.

What limitations are being placed on retailers?

As the new regulations apply to many retail environments, Rhode Island business owners are encouraged to thoroughly review all requirements of the Tobacco Control Act. Some of the restrictions include:

- 1) Cigarettes and smokeless tobacco may not be sold to anyone under 18
- 2) Retailers must examine a photographic identification bearing a date of birth for tobacco purchasers under the age of 27
- 3) Cigarettes and smokeless tobacco may not be sold through vending machines except in places where persons under the age of 18 are prohibited from entering
- 4) The Rhode Island state ban on unpackaged cigarettes (or "loosies") has been extended to all states

How will the retail environment be changed?

In nearly all retail establishments, self-service displays or Kiosks are prohibited. All retail tobacco transactions must now be made person to person. In addition, cigarette packaging and tobacco advertisements can no longer include the words, "light," "mild," or "low" as descriptors. It is the retailer's responsibility to remove displays, advertising, and labeling that does not comply with the new regulations.

What changes, if any, are being made to how tobacco manufacturers promote cigarette and smokeless tobacco products?

Manufacturers can no longer distribute non-tobacco items bearing a cigarette or smokeless tobacco logo, brand, or other recognizable identifier. Tobacco manufacturers will also be prohibited from sponsoring athletic, musical, artistic or other social events.

Is retail employee training required?

The Tobacco Control Act does not require retailers to implement employee training programs. However, the law does provide for reduced fines if retailer training can be evidenced. The FDA will soon publish training standards.

What should be included in the employee training curriculum?

An employee training program should include guidance on specific age verifying methods; how to ask for identification and refuse sales to under age youth; written company policies in regard to sales to minors; a description of the health effects of tobacco use; a description of tobacco products covered under the law.

Does the retailer need to be 18 years old to sell tobacco products?

Currently, there are no age requirements for sellers of tobacco products; however, the retailer must check proof of age for purchasers younger than 27 years old. This requires verification through a photo identification and written proof of age. If the retail employee suspects the identification to be unreliable, s/he should refuse the sale.

What flexibility do states now have in regulating tobacco sales and marketing?

For the first time, states are allowed to put limitations on the time, place and manner (but not content) of advertising and/or promotion of cigarettes.

If I have questions and/or concerns about the new law, whom should I contact?

The Rhode Island Department of Health is available to assist retailers in their efforts to implement the new law. Specific questions about the Tobacco Control Act, however, should be directed to the FDA by calling 1-877-CTP-1373. Complaints and disputes should be directed to the FDA ombudsman via email at les.weinstein@fda.hhs.gov or via phone at (301)796-9239.