

GEORGIA SENATE BILL 375 - TOBACCO 21 LAW: WHAT YOU NEED TO KNOW

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WHAT IS THE GEORGIA SENATE BILL 375 TOBACCO 21 (T21) LAW?

It is unlawful for any person to sell or barter, directly or indirectly any cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products to any individual under the age of 21.

It is unlawful for any person to purchase any cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products for any individual under the age of 21.

It is unlawful for any person to advise, counsel, or compel any individual under the age of 21 years to smoke, inhale, chew, or use cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products.

It is unlawful for any individual under the age of 21 to purchase, use or possess any cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products.

It is unlawful for any individual to knowingly use a vapor product within a school safety zone.

ARE THERE ANY EXEMPTIONS TO THIS LAW?

There are **no** exemptions from this law.

WHEN DOES THIS LAW GO INTO EFFECT?

The law was signed on July 22, 2020, effective immediately. Section 2, concerning revenue and taxation of alternative nicotine products and vapor products went into effect on January 1, 2021.

To access the Senate Bill 375 on the Georgia General Assembly website, click [here](#). To read the Tobacco 21 law in detail, click [here](#).

WHAT IS DEFINED AS A CIGARETTE?

A cigarette means roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco.

WHAT IS DEFINED AS A TOBACCO PRODUCT?

A tobacco product means any cigars, little cigars, granulated, plug cur, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff powder; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco; and

other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both chewing and smoking.

WHAT IS DEFINED AS A TOBACCO RELATED PRODUCT?

Tobacco related objects means any papers, wrappers, or other products, devices, or substances, including cigar wraps, which are used for the purpose of making cigarettes or tobacco products in any form.

WHAT IS DEFINED AS A VAPOR PRODUCT?

Vapor product means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from nicotine or other substances in a solution or other form. Such term vapor product shall include, but shall not be limited to, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor or aerosol cartridge or other container of nicotine or other substance in a solution or other form, including, but not limited to, a device component, part, or accessory of the device, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

WHAT IS DEFINED AS AN ALTERNATIVE NICOTINE PRODUCT?

An alternative nicotine product means 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 MINIMUM LEGAL SALES AGE AFFECT AGE VERIFICATION?

The seller of any cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products must first verify an individual's age by means of any document issued by a governmental agency containing a description of the individual, the individual's photograph, or both, and giving the individual's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or a State of Georgia ID Card.

WHAT SIGNAGE IS REQUIRED IN BUSINESSES THAT SELL ITEMS REGULATED UNDER THIS LAW?

Any business that sells products regulated by this law must post a sign that contains the following statement:

SALE OF CIGARETTES, TOBACCO, TOBACCO PRODUCTS, TOBACCO RELATED OBJECTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS
TO INDIVIDUALS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW

WHAT IF I SELL TOBACCO THROUGH A VENDING MACHINE?

Any business that maintains a vending machine which dispenses cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products must post a sign that contains the following statement:

THE PURCHASE OF CIGARETTES, TOBACCO PRODUCTS, TOBACCO RELATED OBJECTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS FROM THIS VENDING MACHINE BY ANY PERSON INDIVIDUAL UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW

Products may be sold from a vending machine only if the machine is in locations which are not readily accessible to individuals under the age of 21 years, including, places which are not open to the general public; places open to the general public which do not admit individuals under the age of 21 years; and is located in a place that is not open to the general public and not generally accessible to anyone under the age of 21.

WHAT ARE THE PENALTIES FOR VIOLATION?

Any individual seller who violates the Tobacco 21 law in Georgia is guilty of a misdemeanor.

Any individual under the age of 21 who violates this law will be required to perform community service not exceeding 20 hours and attend a lecture or discussion about the health hazards of tobacco and vapor product use. Failure to comply with the above, or by a third violation in the same calendar year will result in either withholding the issuance or suspending driving privileges for 45 consecutive days.

Any person knowingly who allows an individual under the age of 21 years to operate a vending machine which dispenses cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products shall be guilty of a misdemeanor.

It is a misdemeanor offense for any individual 21 or older to knowingly use a vapor product in a school safety zone. There will be a penalty of \$25.00 for a first offense conviction and a \$50.00 fine for a second offense conviction.

Any person that maintains a vending machine that fails to comply with the requirements shall be guilty of a misdemeanor; provided, however, that for a first offense, the sentence shall be a fine not to exceed \$300.00.

HOW WILL THE LAW BE ENFORCED?

Misdemeanor violations of this law will be enforced through injunctive relief actions of the court in the county where the alleged violation occurred.

The Georgia State Revenue Commissioner is also charged with enforcing this law through administrative citations, and will conduct random, unannounced inspections at locations where products regulated by this law are sold. This includes enlisting individuals under age 21 to test compliance with the law.

AS RETAILER, WHAT IS MY ROLE IN TOBACCO 21

As a retailer, you are a vital community partner in reducing youth and young adults' access to any tobacco products. According to the Centers for Disease Control and Prevention, nicotine is highly addictive and harms brain development for adolescents and youth. Complying with the law, you are helping to improve the life-long health and well-being of youth and young adults. The FDA (Food and Drug Administration) has developed a program called "This is Our Watch" to better help retailers understand both the importance of compliance with tobacco regulations as well as this greater purpose in protecting our nation's youth. You can access This is Our Watch and free program materials [here](#).