

# Frequently Asked Questions (FAQ) About Federal Tobacco 21

## Minimum Sale Age for Tobacco Products

**Q1: Why is raising the minimum sale age for tobacco products from 18 to 21 important?**

**A:** Increasing the age of sale to 21 will significantly reduce youth tobacco use and save thousands of lives. For more information, please visit the [American Lung Association](#) website.

**Q2: What is the new minimum sales age for tobacco products and its effective date?**

**A:** Starting December 20, 2019, federal law prohibits the sale of tobacco products to individuals younger than 21 years of age.

**Q3: For the purpose of retail sales, how is “tobacco product” defined?**

**A:** A “tobacco product” is any product made or derived from tobacco that is intended for human consumption, including, but not limited to, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, cigars, hookah and pipe tobacco, nicotine gels, dissolvable products, e-cigarettes, and other electronic nicotine delivery systems.

**Q4: Are tobacco cessation products included in the definition of “tobacco products?”**

**A:** No. “Tobacco product” does not include a product that has been approved by the FDA for sale as a tobacco cessation product where the product is marketed and sold solely for such an approved purpose.

**Q5: Is there an exemption for military personnel who are younger than 21 years of age?**

**A:** No. There are no exemptions for sales to members of the military who are under 21.

**Q6: Does the new minimum sale age for tobacco products include a grandfather clause that excludes individuals who are currently 18, 19, or 20 years of age?**

**A:** No. The law is effective immediately and does not phase-in age restrictions. It is illegal to sell tobacco products to anyone under 21 years of age. This includes individuals who are currently 18, 19, or 20 years of age.

## Checking Identification

**Q7: What is a valid ID?**

**A:** Retailers are required to verify the age of anyone under 30 years old who attempts to purchase tobacco products by checking photo ID containing the bearer’s date of birth. The U.S. Food and Drug Administration (FDA) recommends that only government-issued, nonexpired photo ID containing the bearer’s date of birth be acceptable to establish a legal age to purchase tobacco products.

## Enforcement and Violations

**Q8: Who enforces the minimum age of sale law?**

**A:** Enforcement of legal sales age requirements will continue to be handled by the Pennsylvania Department of Health, and in conjunction with the FDA. The FDA will continue to enforce the minimum legal sales age.

**Q9: What are the fines and penalties for selling tobacco products to persons younger than 21 years of age?**

**A:** A person is guilty of a summary offense if they sell or furnish tobacco products to a person under the age of 21.

Violators will be fined between:

- \$100 and \$250 for a first offense,
- \$250 to \$500 for a second offense, and
- \$500 to \$1,000 for subsequent offenses.

Retailers will be fined between:

- \$100 and \$500 for a first offense,
- \$500 to \$1,000 for a second offense,
- \$1,000 to \$3,000 for a third offense, and  
\$3,000 to \$5,000 for subsequent offenses.

In addition, upon the third conviction of a retailer in a 24-month period, the Department of Health may, after the opportunity for a hearing, suspend the retailer's cigarette license for up to 30 days. Upon a fourth conviction in any 24-month period, the department may, after the opportunity for a hearing, suspend the license for up to 60 days.

**Q10: How do I report an unlawful tobacco sale?**

**A:** To report an unlawful tobacco sale, call 1-877-287-1373.

## **Other Questions**

**Q1: Where can I find additional information about the new federal Tobacco 21 law?**

**A:** Additional information on Federal Tobacco 21 can be found at the [U.S. Food and Drug Administration](#) (FDA) website. The new Tobacco 21 law amends the Federal Food, Drug, and Cosmetic Act.

**Q18: Where can retailers go for answers to other questions about the new federal Tobacco 21 law?**

**A:** Questions can be directed to Pennsylvania Department of Health.

**Q19: What resources are available for tobacco retailers in assisting them to comply with the new law?**

**A:** Retailers are encouraged to utilize the resources included in this toolkit. In addition to informative materials, retailers may also utilize free window clings and signage by using the attached order form or accessing it online via the Pennsylvania Alliance to Control Tobacco website.