

RETAIL TOBACCO SALES BRIEF COMPLIANCE TIPS

What is a Tobacco Product?

A tobacco product is a product that is made from or derived from tobacco, or that contains nicotine, that is meant to be smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means. Tobacco products includes, but are not limited to, cigarettes, cigars, hookah, pipe tobacco, nicotine pouches, chewing tobacco, snuff, snus, electronic smoking devices, and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine. Matches and lighters are not considered tobacco products.

A Retail Tobacco Sales License Required

A person or entity must obtain a retail tobacco license in order to sell or give away tobacco products including cigarettes, cigars, hookah, pipe tobacco, nicotine pouches, chewing tobacco, snuff, snus, electronic smoking devices and any components or accessories used in the consumption of tobacco products, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine. Any and all sales of tobacco products by a retailer without a retail tobacco license may result in criminal charges, imprisonment, and fines in excess of \$1,000 per violation.

Licenses are issued by the Health Inspection Program at the Maine Department of Health and Human Services. Licenses are due annually by April 1st. Licenses may be renewed **60 days prior to expiration of March 31st**.

All products containing tobacco, nicotine or synthetic nicotine sold in the State of Maine are required to be purchased from a licensed Maine Distributor.

MRS Maine licensed Distributor list: <https://www.maine.gov/revenue/taxes/other-taxes/tobacco-distributors>.

Tobacco 21

Tobacco products may not be sold to any person under 30 years old unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth. A person may not sell, furnish, give away or offer to sell, furnish or give away a tobacco or nicotine product to any person who is younger than 21 years old.

A notice must be posted by the tobacco retailer explaining that sales of tobacco and nicotine products to people who are younger than 21 years old are prohibited. Notices must be displayed clearly in the retail store.

Free Signage available: <https://www.maine-prevention-store.com>

Free Retail Tobacco Training for Employer and Employees: www.maine-tobacco-retailer-training.com

U.S. Food and Drug Administration (FDA) approved Nicotine Replacement Therapy (NRT) is not considered a tobacco product and is available for retail sale for persons 18 years and older.

Display of Tobacco & Nicotine Products for Sale

Tobacco and nicotine products must be displayed or offered for sale in a manner that does not allow the customer direct access to the products. Tobacco and nicotine products must be placed behind the sale counter or in a locked display case, where only the age appropriate salesclerk can obtain the product.

No Online Sales, Face-to-Face Transactions Only

Tobacco and nicotine products may only be **sold in a direct, face-to-face exchange in which the customer may be clearly identified**. It is illegal to sell or deliver tobacco or nicotine products to Maine consumers online or over the phone. For direct, face-to-face sales, employees who sell tobacco and nicotine products must be at least 17 years of age. An employee who is 17 years of age or older and under 21 years of age may sell tobacco and nicotine products only in the presence of an employee who is 21 years of age or older and is in a supervisory capacity.

