

INDIANA TOBACCO 21 FAQ

1. What is the “Tobacco 21” law?

A person may not sell to, distribute to, purchase for or permit the purchase of any tobacco, nicotine vapor, or alternative tobacco product to anyone under the age of 21. Also, no one under the age of 21 may purchase, use or possess any tobacco, nicotine vapor or alternative tobacco product. The law was passed on March 18, 2020 and takes effect July 1, 2020.

2. Why Tobacco 21?

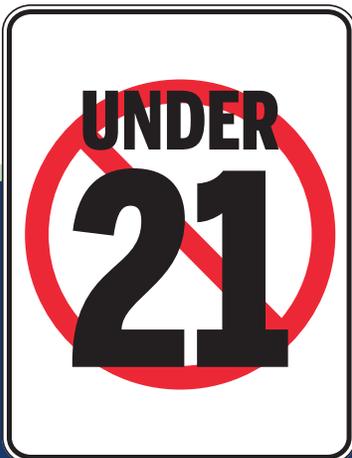
- ▶ Tobacco kills over 480,000 people each year, more than automobile crashes, gun violence and opiate overdoses combined. More than 11,000 of those deaths occur in Indiana.
- ▶ Indiana spends \$2.9 billion in health care costs for smoking-related diseases each year.
- ▶ The developing teenage brain is particularly vulnerable to the effects of nicotine.
- ▶ More than 95% of addicted smokers start before age 21.
- ▶ 2,600 Hoosier youth become regular smokers each year.
- ▶ Youth commonly obtain tobacco from social sources, especially older teens. In Indiana, 65% of high school smokers under age 18 reported getting cigarettes from social sources, such as having someone else buy cigarettes for them.
- ▶ Early exposure to nicotine increases the risk of addiction and puts adolescents at a higher risk for depression, anxiety and substance abuse.

3. Why does Indiana need a Tobacco 21 law? Wasn't the federal age increased?

Yes, it is true that the federal age to purchase tobacco did increase, but that law only impacts retailers that sell tobacco products to someone underage and can only be enforced by law enforcement officers working to enforce federal laws. This means in order for state law enforcement officers to enforce this law there has to be a state law indicating their ability to do so. The federal law does not impact the possession of or distribution to someone under the age of 21. The state law now allows for those 18-20 years old to be ticketed for possession of a tobacco product or someone over 21 purchasing a tobacco product for someone under 21.

4. When does the law go into effect?

The state law goes into effect **July 1, 2020**.



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5. Are there any exemptions or “grandfathering” in the law?

No. There are no exemptions and no grandfathering clause in the law. If you are not 21 or older as of July 1, 2020, you will not be able to purchase, use or possess any tobacco or nicotine product.

6. What products are included in the law?

Any product made of tobacco including cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis and wrappings. Also included are any noncombustible products containing nicotine that use a heating element or power source to produce vapor from nicotine in a solution or other form. This includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product and any cartridge of nicotine in solution or other form, including JUUL and similar products. Alternative nicotine products are also included in the law. These include any noncombustible product that contains nicotine whether chewed, absorbed, dissolved or ingested.

7. What about nicotine replacement therapies?

The law does exclude FDA-regulated cessation products under Chapter V (21 U.S.C. § 351 et seq) of the federal Food, Drug and Cosmetic Act. Stores and pharmacies may continue to sell over the counter nicotine replacement therapies to people ages of 18–20.

8. What is the penalty for purchase, use or possession by someone under 21?

The purchase, use or possession by someone under 21 years of age is a Class C infraction with a fine up to \$500.

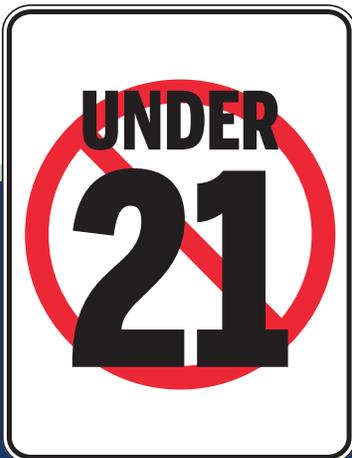
9. What is my role in Tobacco 21?

Adults play an important role in protecting youth from nicotine addiction and the deadly effects of tobacco and nicotine use and can help prevent our youth from becoming the next generation to die prematurely from tobacco and nicotine-related disease. Do not purchase for or provide tobacco or nicotine products to anyone under the age of 21. If you suspect a retailer of selling to underage youth, please report them by calling your local Indiana Alcohol & Tobacco Commission office which can be found at: www.in.gov/atc/isepp/2379.htm.

10. What if I want to quit?

For free help quitting, contact the Indiana Tobacco Quitline 24 hours a day/7 days a week. Call **1-800-QUIT-NOW** or visit quitnowindiana.com.

Youth interested in quitting e-cigarettes can text ‘Indiana’ to 88709 to enroll in the This is Quitting text messaging program.



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