



Arkansas's New Law

Minimum-Age: 21 years old

**Effective Date
September 1, 2019**

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Minimum Age Restrictions

Arkansas Law Summary



NEW MINIMUM-AGE Law effective September 1, 2019 is 21 years old.

21 years old is the minimum age for customers to purchase (or for anyone to sell, buy for, distribute samples of, or furnish) any tobacco products, vapor products, alternative nicotine products, or e-liquid products to any person under 21 years of age.

EXCEPTION #1:



For Active Duty military personnel, the minimum-age is 18 years old. An identification card issued by the Armed Forces of the United States shall be accepted as proof of age for this exception.

EXCEPTION #2: Any person who became 19 years old by December 31, 2019.

FDA Summary (Federal)

You must follow the Arkansas's 21 year minimum-age since it is higher than FDA's 18 year minimum-age requirement.

Minimum Age to Ask for ID

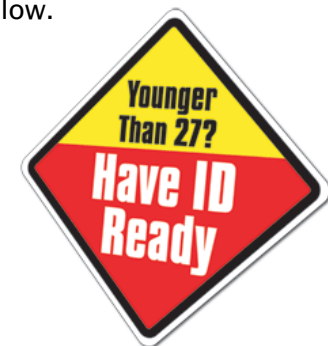
Arkansas Law Summary

No requirement, but you must follow FDA's requirement below.

FDA Summary (Federal)

You must **Check photo ID of everyone appearing under age 27** who attempts to purchase FDA regulated products and verify the customer is of legal age to purchase. This is an each-and-every time requirement (even if you know the person to be of legal age.) If you "carded" them yesterday, you must "card" them again today!

Decline a sale when the customer is underage, has no photo ID, the photo ID contains no date-of-birth or the photo ID has expired.



Age Restricted Products - Tobacco and Vapor

Arkansas Law Summary

Tobacco in any form, including e-cigarettes, vapor products, alternative nicotine products, e-liquid products, cigarette papers and herbal snuff.

FDA Summary (Federal)



Cigarettes,
Cigarette Tobacco
& Roll-Your-Own Tobacco



Smokeless Tobacco



Cigars



Hookah
& Pipe Tobacco



Loose Cigarettes

BANNED: SINGLE CIGARETTES OR "LOOSIES"

Do not sell single cigarettes ("loosies") or break open packs of 20 cigarettes to sell them in quantities of less than 20 cigarettes OR sell any quantity of smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use.**



Nicotine Gels



Dissolvable Tobacco Products



Electronic Nicotine Delivery Sales (ENDS)

ENDS include e-cigarettes, e-hookah, ecigars, vape pens, advanced refillable personal vaporizers, electronic pipes, components & parts (such as e-liquids, atomizers, tank systems, batteries)

Acceptable forms of ID

Arkansas Law Summary

A valid document issued by a governmental agency containing a description and/or a photograph of the person and bearing a date of birth including, without being limited to, a passport, U.S. Armed Forces military identification card, or driver's license.

NOTE the EXCEPTION: Active duty U.S. military personnel — 18 years old is the minimum age. An identification card issued by the Armed Forces of the United States is acceptable proof.



FDA Summary (Federal)

Unless otherwise required by state or local law, FDA recommends that retailers accept only government-issued photographic identification with the bearer's date of birth. (e.g., State-issued driver's license or identification card, military identification card, passport or immigration card) for establishing a legal age to purchase FDA regulated products. The Photo ID is not acceptable if it has expired.

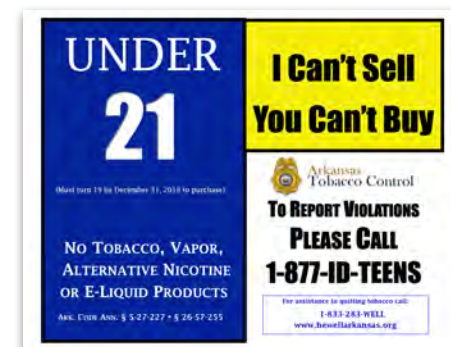
Post Signs Required by State Law

Arkansas Law Summary

A sign must be displayed in a conspicuous place indicating that the sale of Restricted Products, or purchase of, or possession of Restricted Products by a person under the age of 21 years of age is prohibited by law. Failure to post signs will subject retailer to fines.

[Download a pdf of required sign.](#)

The New Arkansas required sign



Penalties and Fines

Arkansas Law Summary

An employee or owner who violates this provision will be subject to a fine not to exceed \$100 per violation (plus court costs).

A notice of alleged violation containing the date and time of the violation and information concerning the person who made the illegal sale shall be given to the retailer within 10 days of the alleged violation.

Retailers who have received a notice of an alleged violation from the Arkansas Tobacco Control Board shall be subject to either criminal or civil penalties or fines of up to \$250 for a first violation within 48 months of the notice, a fine of up to \$500 and suspension of license for up to two (2) days for the second violation within 48 months, a fine of up to \$1,000 and suspension of license for up to seven (7) days for a third violation within 48 months, a fine of up to \$2,000 and suspension of license for up to 14 days for a fourth or subsequent violation within 48 months and a fine of up to \$2,000 and a possible license revocation for a fifth (5) violation within 48 months. The Arkansas Tobacco Control Board maintains a record of all permits and licenses issued, suspended, denied, or revoked in a form that identifies the licensees and the location of the licensed or permitted premises.

Any retailer, individual or corporation that is prosecuted for a criminal violation shall not be subject to additional civil prosecution under the same facts.

Retailers are required to have each employee read and sign a **Tobacco Server Awareness Form**. This form is to be kept on file, and available for inspection. Failure to comply will result in fines being issued to the permit holder for each employee who does not have a signed server awareness form on file.

FDA Summary (Federal)

FDA has a variety of enforcement tools to address retailers who violate Federal statutes or regulations, including civil money penalties, warning letters, seizures, injunctions, no-sale orders and/or criminal prosecution. Retailers who violate the regulations may also be in violation of state law and subject to state penalties or other related orders.

FDA FINES & PENALTIES	
# of Violations	Fine
1st	Warning Letter
2 within 12 months	\$285
3 within 24 months	\$570
4 within 24 months	\$2,282
5 within 36 months	\$5,705
6 within 48 months	\$11,410
5 or more within 36 months	No Sale Order

Fines and penalties shown here are as of July 19, 2019.



Customers Who Are Now Underage Due to 21 Year Law

New "21" state laws* require retailers to refuse the sale of tobacco and vapor products to anyone under the age of 21. And it's quite possible that you, the retailer, will be the first one to inform your customers about this new law.

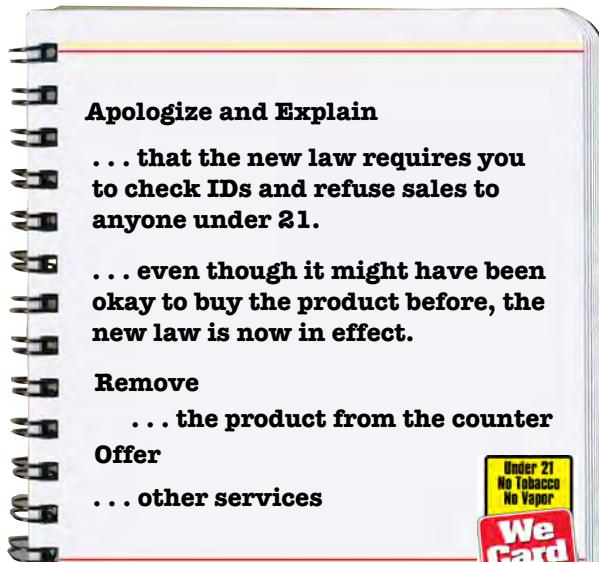
We Card training covers challenges like handling difficult situations including refusing an underage sale using the A-E-R-O method.

* See state laws summaries for any exceptions to the 21 year minimum-age.

We recommend A-E-R-O when speaking with customers who are no longer the legal age to buy tobacco and vapor products.

A-E-R-O

APOLOGIZE **EXPLAIN** **REMOVE** **OFFER**
the product from the counter another service



What do YOU say?



Hey, can I get that vape pen and 2 refill cartridges?

Sure, can I see some ID?

Here you go.

Thanks. I'm sorry, this ID shows you're under 21 so it would be against the law for me to sell the vape pen to you . . .

I'm 20 years old. I buy vape stuff and refills all the time!
WHAT'S WRONG WITH YOU?

I'm sorry, there's a new state law with 21 as the minimum age. We have to follow that law. Can I get you something else in the store?

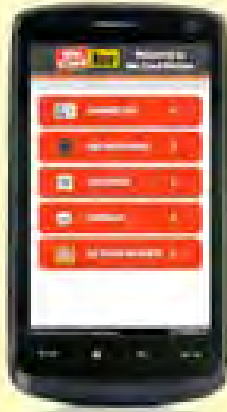
Oh, I didn't now about the new law. Just this bottled water, thanks.

Store Sales Associate

Responsible Retailing Resources

About We Card

The *We Card* Program is a national non-profit organization focused on ensuring that age-restricted product retailers are fully educated, trained and prepared to reject underage sales.



When you need *We Card* at your fingertips!



wecardnow.com

We Card eLearning Center



Award-winning training, now even better!
• Employee • Refresher • Manager

Learn FDA Requirements of Retailers, Rules on Regulated Products, FDA Fines and Penalties
**Based upon FDA Guidance for Tobacco Retailer Training Programs*

Additional interactive exercises and more practice in the steps employees need to prevent tobacco sales to minors.

Built to be LMS-ready and SCORM-compliant. Ask for a test drive on your LMS!



Equip Your Stores



Call 1-800-934-3968 or visit wecard.org.

Mystery Shopping

We Card offers the ID Check-Up mystery shopping service at a low cost of \$26 per mystery shop which allows even the smallest retail store to participate in an ID checking system that is proven to increase carding rates.



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