



# Virginia's New Law

**Minimum-Age: 21 years old**

**Effective Date  
July 1, 2019**

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## Minimum Age Restrictions

### Virginia Law Summary



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

21 years old is the minimum age for customers to purchase tobacco products, nicotine vapor products and alternative nicotine products (e.g., e-cigarettes and e-vapor products) (See Restricted Products section).

It is illegal to sell, give or furnish tobacco products, nicotine vapor products and alternative nicotine products to anyone under 21, or to purchase tobacco products on behalf of minors.



**EXCEPTION:** 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.

### FDA Summary (Federal)

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

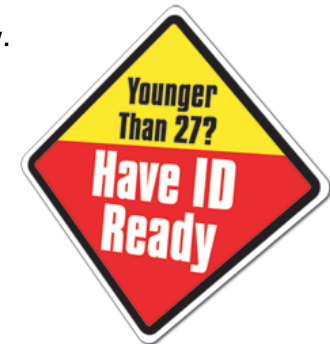
## Minimum Age to Ask for ID

**Virginia 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

## Virginia Law Summary

Any tobacco product (cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings) including but not limited to nicotine vapor product (electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product) or other alternative nicotine product (any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means).

## 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

### Virginia Law Summary

Driver's license or other government-issued photo identification demonstrating that the buyer is at least 21.

**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

### Virginia Law Summary

Retailers must post, in a conspicuous manner and place, a sign or signs indicating that the sale of tobacco products, including wrappings, nicotine vapor products, or alternative nicotine products to any person under 21 years of age is prohibited by law. Violators can be fined up to \$50.

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

### The New Virginia required sign

**EFFECTIVE JULY 1, 2019**

The sale of tobacco products, nicotine vapor products or alternative nicotine products to any person under 21 years of age is prohibited by law.



## Penalties and Fines

### *Virginia Law Summary*

Persons found in violation will be fined up to \$100 for the first offense, up to \$200 for the second offense, and up to \$500 for the third and subsequent offenses.

Where a retailer can prove that it has trained its employees in youth access laws, the court shall suspend all penalties. However, where the court finds that a retailer failed to train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any other penalties imposed (other than for the sale of bidis).

As to bidis, a violation is punishable by a \$500 penalty for the first violation, \$1,000 for a second violation and \$2,500 for a third or subsequent violation.

### *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 June 10, 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?

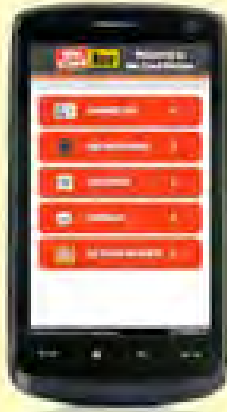
Oh, I didn't now about the new law. Just this bottled water, thanks.

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](http://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!



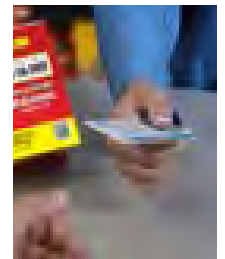
## Equip Your Stores



Call 1-800-934-3968 or visit [wecard.org](http://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.



[www.wecard.org](http://www.wecard.org)

