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# TOBACCO 21

## FREQUENTLY ASKED QUESTIONS

# FAQ

**VALIDATE EVERY ID.  
FOR EVERY TOBACCO PURCHASE.**

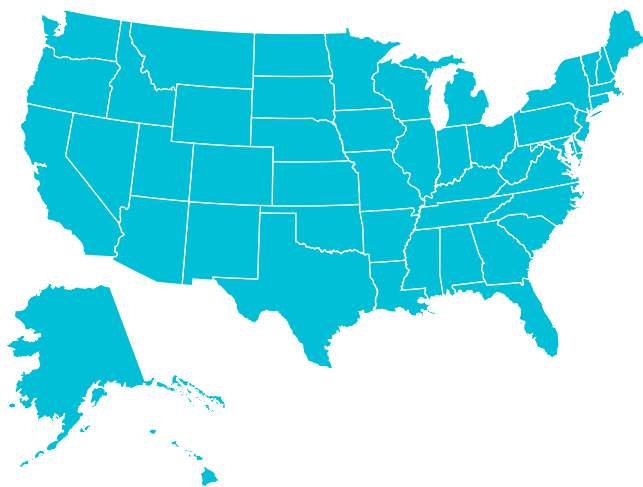


# WHAT IS TOBACCO 21 OR T21?

In December of 2019, the president signed legislation raising the minimum legal age for tobacco sales from 18 to 21. The new law is known as “Tobacco 21” or “T21.” In May of 2020, the Oklahoma governor signed T21 legislation into state law. Federal AND state law now prohibit retailers from selling tobacco to anyone under 21 years of age.

## When and where does the new law apply?

Immediately. It is now illegal to sell any tobacco product to anyone under 21, including members of the military. The ban includes cigarettes, cigars and e-cigarettes. It applies to all U.S. states, territories and tribal jurisdictions.



## What are the current federal penalties for selling to those under 21?

First-time violators receive a Warning Letter from the FDA. A second violation within 12 months will result in a \$292 penalty. A maximum penalty of \$11,698 may be assessed for a sixth or subsequent violation at the same retail location within a 48-month period. The FDA may also pursue a No-Tobacco-Sale Order (NTSO) against retailers that have five or more violations within 36 months. Retailers are prohibited from selling regulated tobacco products at the specified location during the period of the NTSO. More information is available at: [bit.ly/FDATobEnf](https://bit.ly/FDATobEnf)

## What are the penalties for youth who are caught trying to purchase or those who are using tobacco products?

In Oklahoma, underage tobacco possession is a violation of Oklahoma law. The fine for the first offense is \$100, and the second offense is \$200. Fines may be reduced by contacting the ABLE Commission at 1-866-894-3517, Option 4, and settling the case before the hearing date.

## What are the current Oklahoma penalties for selling tobacco products to underage persons?

Anyone caught selling tobacco to underage persons is subject to fines ranging from \$100 to \$300. Nonpayment will result in driver's license suspension. A retailer's tobacco or sales tax permit may also be suspended. If you have questions, please contact the ABLE Commission's Enforcement Division at [405-521-6578](tel:405-521-6578) or review their Tobacco Information Downloads at: [www.ok.gov/able/Tobacco\\_Information\\_Downloads/index.html](http://www.ok.gov/able/Tobacco_Information_Downloads/index.html)

## Who currently enforces tobacco laws in Oklahoma?

Tobacco laws are enforced by the Oklahoma Alcoholic Beverage Laws Enforcement Commission (ABLE Commission). The ABLE Commission enforces the law through random inspections and investigations of complaints. More information is available at: [www.ok.gov/able/Enforcement/index.html](http://www.ok.gov/able/Enforcement/index.html)

## How do I report a violation?

To report a violation, please visit the FDA's Potential Tobacco Violation Reporting System or call [1-877-CTP-1373](tel:1-877-CTP-1373), and select Option 3. Submissions are reviewed by FDA's Center for Tobacco Products, Office of Compliance and Enforcement. To report a violation to the ABLE Commission, call [1-866-894-3517](tel:1-866-894-3517) and select Option 1.

**OKLAHOMA  
ABLE  
COMMISSION**

**Underage Tobacco Possession**  
[1-866-894-3517](tel:1-866-894-3517) | Option 4

**Enforcement Division**  
[405-521-6578](tel:405-521-6578)

**Report Violations to the FDA**  
[1-877-CTP-1373](tel:1-877-CTP-1373) | Option 3

**Report Violations to the ABLE Commission**  
[1-866-894-3517](tel:1-866-894-3517) | Option 1

## What services are available for individuals interested in quitting tobacco?

The Oklahoma Tobacco Helpline offers at least one quit coaching call and a two-week supply of FREE nicotine replacement therapy which includes patches, gum or lozenges. Services are available by calling [1-800-QUIT NOW](tel:1-800-QUIT-NOW) ([1-800-784-8669](tel:1-800-784-8669)) or by visiting [www.OKhelpline.com](http://www.OKhelpline.com).

The Tobacco Prevention & Youth Engagement Resource Guide is a digital resource. It is available to people who educate youth about the dangers of tobacco use. Find it here: [bit.ly/OKTobaccoYouthGuide](https://bit.ly/OKTobaccoYouthGuide)

## Where can retailers find resources about preventing underage tobacco sales?

### National Resources

The FDA's "This is Our Watch" program helps tobacco retailers better understand FDA tobacco regulations, the importance of compliance and the greater purpose — protecting youth from the harms of tobacco use. Free resources include a digital age verification calendar that quickly determines if a customer is old enough to purchase tobacco products. The calendar can be programmed to display the exact date a customer must have been born on or before to legally buy tobacco products. Resources are available at: [bit.ly/RetailWatch](https://bit.ly/RetailWatch)  
For a tutorial on using the calendar, visit: [bit.ly/CalendarTutorial](https://bit.ly/CalendarTutorial)

### State Resources

Education and technical assistance are available to retailers and clerks through several Oklahoma state agencies. There is also a prerecorded webinar available that features the following information:

- Oklahoma Compliance & Enforcement Investigations
- R.E.F.U.S.E. System — Tips for what clerks should look for during a tobacco sale
- Components of acceptable identification documents for tobacco sales

The prerecorded webinar is available at: [bit.ly/OKTobaccoWebinar](https://bit.ly/OKTobaccoWebinar)

Please contact the following agencies for additional assistance.

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#### Oklahoma Alcoholic Beverage Laws Enforcement Commission

(Enforcement Division)

1-866-894-3517 (Option 1)

[www.ok.gov/able/Enforcement/index.html](http://www.ok.gov/able/Enforcement/index.html)

#### Oklahoma Department of Mental Health and Substance Abuse Services

(Prevention Services)

405-248-9200

[www.ok.gov/odmhsas/Prevention\\_/index.html](http://www.ok.gov/odmhsas/Prevention_/index.html)

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#### Oklahoma State Department of Health

(Center for Chronic Disease Prevention and Health Promotion)

405-271-3619 | [Center@health.ok.gov](mailto:Center@health.ok.gov)

[www.ok.gov/health/Health\\_Promotion/index.html](http://www.ok.gov/health/Health_Promotion/index.html)

#### Oklahoma Tobacco

##### Settlement Endowment Trust

(Public Information and Outreach)

405-521-3888 | [tset@tset.ok.gov](mailto:tset@tset.ok.gov)

[tset.ok.gov/content/about-us](http://tset.ok.gov/content/about-us)

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