It is enacted by the General Assembly as follows:


11-9-13. Purchase, sale or delivery of tobacco products to persons under eighteen -- Posting notice of law. Sale or delivery of tobacco products or electronic nicotine-delivery systems to persons under twenty-one -- Posting notice of law.

No person under eighteen (18) years of age shall purchase, nor shall any person sell, give, or deliver to any person under eighteen (18) twenty-one (21) years of age, any tobacco product or electronic nicotine-delivery system as defined in § 11-9-13.4 in the form of cigarettes, bidi cigarettes, cigars, little cigars, flavored cigars known as "blunts," unflavored "blunts," flavored and unflavored blunt wraps, cigarette rolling papers of any size or composition, cigarillos and tiparillos, pipe tobacco, chewing tobacco, electronic nicotine-delivery systems, or snuff. Any person, firm, or corporation that owns, manages, or operates a place of business in which tobacco products or electronic nicotine-delivery systems are sold, including sales through cigarette vending machines, shall post notice of this law conspicuously in the place of business in letters at least three-eighths of an inch (3/8") high.

(a) No cigarettes, nor any other tobacco product, nor electronic nicotine-delivery system shall be sold from any device or vending machine that is in any area of business an area not continuously supervised and in direct line of sight of an authorized person employed by the person, firm, or corporation that owns the business occupying the premises in which the device or vending machine is located, nor shall any tobacco product, nor electronic nicotine-delivery system product be sold from any device or vending machine that is in an area supervised by such an authorized person unless the device or vending machine is equipped with an electronic locking device that will not allow the device or vending machine to dispense a pack of cigarettes, or any other tobacco product, or electronic nicotine-delivery system product unless it is electronically unlocked from a secured position inaccessible to the public and under the supervision of an authorized person employed by the person, firm, or corporation that owns the business occupying the premises in which the device or vending machine is located. “Direct line of sight” means that the vending machine and the purchaser of cigarettes or electronic nicotine-delivery system product must be visible to the authorized person pressing the unlock button while the unlock button is being activated. Provided, a locking device shall not be required in an establishment licensed to sell alcoholic beverages that limits access to persons over twenty-one (21) years of age.

(b) No cigarettes, nor any other tobacco product, nor electronic nicotine-delivery system shall be sold from any device or vending machine from which non-tobacco products are sold.

(c) No cigarettes shall be sold in packs that contain less than twenty (20) cigarettes.

(d) Any person, firm, or corporation who or that owns a business occupying the premises in which a device or vending machine that dispenses cigarettes, or any other tobacco product or electronic nicotine-delivery system is located who or that shall violate any of the provisions of subsections (a) and (b) of this section shall for the first offense be subject to a fine of seventy-five dollars ($75.00), for the second offense, be subject to a fine of one hundred fifty dollars ($150), and for the third and any subsequent offense, be subject to a fine of five hundred dollars ($500); provided, that in the event that there are no offenses in three (3) successive years from the date of the last offense, then the next offense shall be treated as the first offense.

(e) Any person, firm, or corporation who or that shall violate subsection (c) of this section shall, for the first offense, be subject to a fine of seventy-five dollars ($75.00), for the second offense, be subject to a fine of one hundred fifty dollars ($150), and for the third and any subsequent offense, be subject to a fine of five hundred dollars ($500); provided, that in the event that there are no offenses in three (3) successive years from the date of the last offense, then the
(f) One-half (1/2) of all the fines collected pursuant to this section shall be transferred to the municipalities in which the citations originated. One-half (1/2) of all the fines collected pursuant to this section shall be transferred to the general fund.

(g) Severability. If any provision of this section or the application of it to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section, which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

11-9.13.3. Legislative intent - Purpose.

(a) The use of tobacco products and electronic nicotine-delivery systems by Rhode Island children and youth is a health and substance abuse problem of the utmost severity. The legislature finds that tobacco product usage by children in Rhode Island is rampant and increasing with over thirty percent (30%) of high school students smoking. The present law prohibiting the sale of tobacco to children is being ignored by many retailers. Rhode Island tobacco retailers illegally sell four million eight hundred thousand (4,800,000) packs, over eleven million dollars ($11,000,000) in tobacco product sales, to children annually. Tobacco industry advertising targets children as the replacement smokers for the one thousand one hundred forty-five (1,145) adults who die daily from tobacco product usage. Approximately seventy percent (70%) of the Rhode Island high school seniors who are smoking today will be the addicted adult smokers of tomorrow. According to the federal Centers for Disease Control and Prevention (CDC), smoking-related direct medical costs in Rhode Island in 1990 climbed to one hundred eighty-six million dollars ($186,000,000). This is an ongoing, escalating financial burden borne by every business, large and small, and every person, smoker and nonsmoker, in Rhode Island. This is a health and economic drain created by each new generation of children who begin using tobacco products and become addicted to nicotine. It is the intent of this legislation to preserve and protect the health of children by: (1) stopping the illegal sale of tobacco to children, and (2) by severely punishing those who disregard the laws relating to the illegal sale of tobacco products to children, serious health and addiction problem. Cigarette use has greatly declined among Rhode Island youth, to six and one-tenths percent (6.1%) yet even at this low rate, every year, three hundred (300) children under the age eighteen (18) in Rhode Island become daily smokers. There are sixteen thousand (16,000) children in Rhode Island today who will ultimately die prematurely from smoking. Rhode Island's annual health care costs due to smoking are six hundred forty million dollars ($640,000). As the national youth tobacco survey reports, in 2018, there was a dramatic increase in electronic cigarette use among youth. According to the findings, the number of United...
States high school students who reported being current e-cigarette users increased seventy-eight percent (78%) between 2017 and 2018 to three million fifty thousand (3,050,000) or twenty and eight-tenths percent (20.8%), putting millions of young people at risk of lifelong nicotine addiction. In Rhode Island, twenty and one-tenths percent (20.1%) of high school students use e-cigarettes.

(b) Data shows that about ninety-five percent (95%) of adult smokers began smoking before they turned age twenty-one (21). In March of 2015, the National Academy of Medicine (then the Institute of Medicine), on behalf of the Food and Drug Administration (FDA), released a seminal report detailing the potential public health benefits of raising the national legal age of tobacco sale from age eighteen (18) to age twenty-one (21). Among the findings was a twenty-five percent (25%) drop in the rate of smoking initiation by fifteen (15) to seventeen (17) year olds, a twelve percent (12%) drop in overall smoking rates over time, and sixteen thousand (16,000) cases of preterm birth and low birth weight averted in the first five (5) years of the policy, an impact that would be recognized immediately. A conservative estimate is that if age twenty-one (21) were adopted throughout the United States now, it would prevent four million two hundred thousand (4,200,000) years of lives lost to smoking for those born in the years 2000-2019. In July, 2015 the CDC reported that seventy-five percent (75%) of adults favored raising the tobacco sale age to twenty-one (21) years.

11-9-13.4, Definitions.

As used in this chapter:

(1) "Bidi cigarette" means any product that (i) contains tobacco that is wrapped in temburni or tender leaf, or that is wrapped in any other material identified by rules of the Department of Health that is similar in appearance or characteristics to the temburni or tender leaf, and (ii) does not contain a smoke filtering device.

(2) "Court" means any appropriate district court of the state of Rhode Island.

(3) "Dealer" is synonymous with the term "retail tobacco products dealer" or electronic nicotine-delivery system dealer.

(4) "Department of behavioral healthcare, developmental disabilities and hospitals" means the state of Rhode Island behavioral healthcare, developmental disabilities and hospitals department, its employees, agents or assigns.

(5) "Department of taxation" means the state of Rhode Island taxation division, its employees, agents, or assigns.

(6) "Electronic nicotine-delivery system" means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not...
limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic nicotine-delivery systems include any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic nicotine-delivery systems do not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration (FDA), as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(6) "License" is synonymous with the term "retail tobacco products dealer license" or "electronic nicotine-delivery system license."

(7) "License holder" is synonymous with the term "retail tobacco products dealer" or "electronic nicotine-delivery system license."

(8) "Little cigars" means and includes any roll, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of whether the tobacco is flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of tobacco wrapped in leaf tobacco or any substance containing tobacco paper or any other material, except where such wrapper is wholly or in greater part made of tobacco and such roll weighs over four and one-half (4.5) pounds per thousand (1,000).

(9) "Person" means any individual person, firm, association, or corporation licensed as a retail dealer to sell tobacco products or electronic nicotine-delivery systems within the state.

(10) "Retail tobacco products dealer" means the holder of a license to sell tobacco products at retail.

(11) "Retail tobacco products dealer license" means a license to sell tobacco products at retail as issued by the department of taxation.

(12) "Spitting tobacco" also means snuff, powdered tobacco, chewing tobacco, dipping tobacco, pouch tobacco, or smokeless tobacco.

(13) "Tobacco product(s)" means any product containing tobacco, including bidis, cigarettes, as defined in subdivision (1) of this section, that can be used for, but whose use is not limited to, smoking, sniffing, chewing, or spitting of the product, that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus and bidis, cigarettes.

"Tobacco product" also means electronic nicotine-delivery systems and includes any component, part, or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic nicotine-delivery systems, whether or not they
contain nicotine. “Tobacco product” does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration (FDA) as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(13) (14) “Underage individual” or “underage individuals” means any child person under the age of eighteen (18) twenty-one (21) years of age.

(14) “Little cigar” means and includes any roll, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of whether the tobacco is flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of tobacco wrapped in leaf tobacco or any substance containing tobacco paper or any other material, except where such wrapper is wholly or in greater part made of tobacco and such roll weighs over three pounds per thousand (1,000).

(15) “Electronic nicotine delivery system” means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah and any related device and any cartridge or other component of such device.

(15) “Electronic nicotine delivery system license” means a license to sell electronic nicotine delivery systems at retail as issued by the department of health.

(16) “Electronic nicotine delivery system dealer” means the holder of a license to sell electronic nicotine delivery systems at retail.

11-9-13.5. Responsibility for tobacco or health issues.

The Rhode Island department of behavioral healthcare, developmental disabilities and hospitals shall develop, monitor and aggressively enforce health rules and regulations pertaining to stopping the illegal sale of tobacco products and electronic nicotine delivery systems to children underage individuals.


The department of behavioral healthcare, developmental disabilities and hospitals shall:

(1) Coordinate and promote the enforcement of the provisions of this chapter and serve as the primary liaison from this department to other state or local agencies, departments, or divisions on issues pertaining to stopping children's underage individuals' access to tobacco products and electronic nicotine delivery system dealers.

(2) Provide retail tobacco products dealers and electronic nicotine-delivery system dealers signs concerning the prohibition of sales to children under eighteen (18) persons under
twenty-one (21) years of age. The signs, conforming to the requirements of this chapter, shall be 
sold at cost. This sign, or an exact duplicate of it made privately, shall be displayed in all 
locations where tobacco products and/or electronic nicotine-delivery systems are sold.

(3) Investigate concurrently with other state and local officials violations of this chapter.

(4)(i) Utilize unannounced statewide compliance checks of tobacco product sales and/or 
electronic nicotine-delivery system sales including retail tobacco and/or electronic nicotine-
delivery system over-the-counter sales, mail-order sales initiated via mail, facsimile, telephone or 
internet ordering or other types of electronic communications, and tobacco and/or electronic 
nicotine-delivery systems vending machine sales as part of investigating compliance with the 
provisions of this chapter. Underage individuals, acting as agents for the department of behavioral 
healthcare, developmental disabilities and hospitals and with the written permission of a parent or 
guardian for persons under age eighteen (18) years, may purchase, with impunity from 
prosecution, tobacco products and electronic nicotine-delivery system for the purposes of law 
enforcement or government research involving monitoring compliance with this chapter, 
provided that the underage individuals are supervised by an adult law enforcement official. Any 
individual participating in an unannounced compliance check of over-the-counter or vending 
machine sales, must state his or her accurate age if asked by the sales representative of the retail 
establishment being checked.

(ii) In fulfilling the requirement of unannounced statewide compliance checks, the 
department of behavioral healthcare, developmental disabilities and hospitals shall maintain 
complete records of the unannounced compliance checks, detailing, at least, the date of the 
compliance check; the name and address of the retail establishment checked or the mail order 
company; the results of the compliance check (sale/no sale); whether the sale was made as an 
over-the-counter sale, a mail-order purchase or a tobacco and/or or electronic nicotine-delivery 
systems vending machine sale; and if a citation was issued for any violation found. The records 
shall be subject to public disclosure. Further, the department of behavioral healthcare, 
developmental disabilities and hospitals shall report to the owner of each retail establishment 
checked or mail-order company the results of any compliance check (sale/no sale) whether the 
sale was made as an over-the-counter sale, a mail-order purchase, or a tobacco and/or electronic 
nicotine-delivery systems vending machine sale, and if a citation was issued for any violation 
found.

(5) Seek enforcement, concurrently with other state and local officials, of the penalties as 
detailed in this chapter.

(6) Develop and disseminate community health education information and materials
relating to this chapter.

11-9-13.7. Signs concerning sales to individuals under age eighteen (18). Signs concerning sales to individuals under age twenty-one (21).

Signs provided by the department of behavioral healthcare, developmental disabilities and hospitals, or an exact duplicate of it made privately, shall:

1. Contain in red bold lettering a minimum of three-eighths (3/8") inch high on a white background the following wording in both English and Spanish:


   PHOTO ID FOR PROOF OF AGE IS REQUIRED FOR PURCHASE.

2. Contain the phone number at the department of behavioral healthcare, developmental disabilities and hospitals, where violations of §§ 11-9-13.2 -- 11-9-13.19 can be reported, in addition to any other information required by the department of behavioral healthcare, developmental disabilities and hospitals.

3. Be displayed prominently for public view, wherever tobacco products or electronic nicotine-delivery systems are sold at each cash register, each tobacco and/or electronic nicotine-delivery systems vending machine, or any other place from which tobacco products or electronic nicotine-delivery systems are sold. The signs shall be electronically available in both English and Spanish online at the department of behavioral healthcare, developmental disabilities and hospitals' website.


A person holding a license issued under chapter 20 of title 44 and/or § 23-1-56, or an employee or agent of that person, is prohibited from selling, distributing, or delivering a tobacco product and/or electronic nicotine-delivery system product:

1. To any individual who is under eighteen (18) twenty-one (21) years of age; or

2. In any form other than an original, factory-wrapped package; or

3. As a single-cigarette sale (§ 44-20-31) or as a sale of cigarettes by the individual piece known as "loosies."

the distribution of free tobacco products and electronic nicotine-delivery systems.

The distribution of free tobacco products and electronic nicotine-delivery systems or coupons or vouchers redeemable for free tobacco products or electronic nicotine-delivery systems to any person under eighteen (18) or twenty-one (21) years of age shall be prohibited. Further, the distribution of free tobacco products or electronic nicotine-delivery systems or coupons or vouchers redeemable for free tobacco products or electronic nicotine-delivery systems shall be prohibited, regardless of the age of the person to whom the products, coupons, or vouchers are distributed, within five hundred feet (500') of any school. The attorney general, or any local or state of Rhode Island police department, or their officers or agents, shall bring an action for any violation of this section. Every separate, free tobacco product or electronic nicotine-delivery system or coupon or voucher redeemable for a free tobacco or electronic nicotine-delivery system or product in violation of this section shall constitute a separate offense subject to a fine of five hundred dollars ($500). The penalty shall be assessed against the business or individual responsible for initiating the Rhode Island distribution of the free tobacco products or electronic nicotine-delivery systems or coupons or vouchers redeemable for free tobacco or electronic nicotine-delivery systems.

11-9-13.11. Prohibition on the sale or distribution of tobacco products through the mail; conveyance of tobacco products through the mail to children under eighteen (18) -- Proof of age of purchaser required -- General rule. Prohibition on the sale or distribution of tobacco products or electronic nicotine-delivery systems through the mail; conveyance of tobacco products or electronic nicotine-delivery systems through the mail to persons under twenty-one (21) -- Proof of age of purchaser required -- General rule.

(a) The distribution, or sale or conveyance of tobacco products or electronic nicotine-delivery systems by the seller of the products to children persons under the age of eighteen (18) or twenty-one (21) via the United States Postal Service, or by any other public or private postal or package delivery service, shall be prohibited.

(b) Any person selling or distributing tobacco products in the form of cigars, pipe tobacco, chewing tobacco, or snuff or electronic nicotine-delivery systems directly to a consumer via the United States Postal Service, or by any other public or private postal or package delivery service, including orders placed by mail, telephone, facsimile, or internet, shall: (1) before distributing or selling the tobacco product or electronic nicotine-delivery system through any of these means, receive both a copy of a valid form of government identification showing date of birth to verify the purchaser is age eighteen (18) or twenty-one (21) years or over and an attestation from the purchaser certifying that the information on the government identification truly and
correctly identifies the purchaser and the purchaser's current address, and (2) deliver the tobacco
product or electronic nicotine-delivery system to the address of the purchaser given on the valid
form of government identification and by a postal or package delivery service method that either
limits delivery to that purchaser and requires the purchaser to sign personally to receive the
delivery or requires a signature of an adult a person the age of twenty-one (21) or over at the
purchaser's address to deliver the package.

(c) The attorney general shall bring an action for any violation of this chapter. Any
distribution, or sale or conveyance of a tobacco product or electronic nicotine-delivery system to
a child person under eighteen (18) twenty-one (21) years of age via the United States Postal
Service, or by any other public or private postal or package delivery service, shall be subject to an
action against the distributor, or seller or conveyor by the attorney general of the state of Rhode
Island. A minimum fine of one thousand dollars ($1,000) shall be assessed against any
distributor, or seller or conveyor convicted of distributing, or selling or conveying tobacco
products or electronic nicotine-delivery systems via the United States postal service, or by any
other public or private postal or package delivery service, for each delivery, or sale or conveyance
of a tobacco product or electronic nicotine-delivery system to a child person under eighteen (18)
twenty-one (21) years of age.

(d) For the purpose of this section, "distribution," "distributing," "selling" and "sale" do
not include the acts of the United States Postal Service or other common carrier when engaged in
the business of transporting and delivering packages for others or the acts of a person, whether
compensated or not, who transports or delivers a package for another person without any reason
to know of the package's contents.

(e) Any delivery sale of cigarettes shall be made pursuant to the provisions of chapter
20.1 of title 44. The provisions of this section shall apply to each tobacco product listed in
subsection (b) herein or electronic nicotine-delivery system as defined in § 11-9-13.4, but shall
not apply to any delivery sale of cigarettes.


(a) Any person or individual license holder who violates a requirement of §§ 11-9-13.6(2)
and 11-9-13.7, display of specific signage, shall be subject to a fine in court of not less than
thirty-five dollars ($35.00), nor more than five hundred dollars ($500), per civil violation.

(b) The license holder is responsible for all violations of this section that occur at the
location for which the license is issued. Any license holder who or that violates the prohibition of
§ 11-9-13.8(1) and/or (2) § 11-9-13.20 shall be subject to civil fines as follows:

(1) A fine of two hundred fifty dollars ($250) for the first violation within any thirty-six-
(2) A fine of five hundred dollars ($500) for the second violation within any thirty-six-
month (36) period;

(3) A fine of one thousand dollars ($1,000) and a fourteen-day (14) suspension of the
license to sell tobacco products or electronic nicotine-delivery systems for the third violation
within any thirty-six-month (36) period;

(4) A fine of one thousand five hundred dollars ($1,500) and a ninety-day (90)
suspension of the license to sell tobacco products or electronic nicotine-delivery systems for each
violation in excess of three (3).

(c) Any person who or that violates a prohibition of § 11-9-13.8(3), sale of single
cigarettes; or § 11-9-13.8(2), regarding factory-wrapped packs; shall be subject to a penalty of
five hundred dollars ($500) for each violation.

(d) The department of taxation and/or the department of health shall not issue a license to
any individual, business, firm, association, or corporation, the license of which has been revoked
or suspended; to any corporation, an officer of which has had his or her license revoked or
suspended; or to any individual who is, or has been, an officer of a corporation the license of
which has been revoked or suspended so long as such revocations or suspensions are in effect.

(e) The court shall may suspend the imposition of a license suspension of the license
secured from the Rhode Island tax administrator or the department of health for violation of
subsections (b)(3) and (b)(4) of this section if the court finds that the license holder has taken
measures to prevent the sale of tobacco products and/or electronic nicotine-delivery systems to
minors under age individuals and the license holder can demonstrate to the court that those
measures have been taken and that employees have received training. No person shall sell
tobacco products and/or electronic nicotine-delivery systems products systems at retail without
first being trained in the legal sale of tobacco products and/or electronic nicotine-delivery systems
products systems. Training shall teach employees what constitutes a tobacco product and/or
electronic nicotine-delivery system product; legal age of purchase sale; acceptable identification;
how to refuse a direct sale to a minor under age individual or secondary sale to an adult a
person age (21) years or older; and all applicable laws on tobacco sales and distribution. Dealers
shall maintain records indicating that the provisions of this section were reviewed with all
employees who conduct, or will conduct, tobacco product and/or electronic nicotine-delivery
systems sales. Each employee who sells or will sell tobacco products and/or electronic nicotine-
delivery system products shall sign an acknowledgement form attesting that the provisions
systems of this section were reviewed with him or her. Each form shall be maintained by the
retailer for as long as the employee is so employed and for no less than one year after termination of employment. The measures to prevent the sale of tobacco products and/or electronic nicotine-delivery systems to minors underage individuals shall be defined by the department of behavioral healthcare, developmental disabilities and hospitals in rules and regulations.

SECTION 2. Section 11-9-14 of the General Laws in Chapter 11-9 entitled "Children" is hereby repealed.

11-9-14. Use of tobacco by minors.

No person under eighteen (18) years of age shall use or possess, when such possession is clearly visible, tobacco in any public street, place, or resort, any tobacco and/or electronic nicotine delivery system in any form whatsoever. Any person under eighteen (18) years of age violating the provisions of this section shall be required to perform up to thirty (30) hours of community service or shall be required to enter into a tobacco treatment program, approved by any local substance abuse prevention task force, at the option of a minor charged with a violation of this section.

SECTION 3. Sections 44-20.1-1, 44-20.1-3 and 44-20.1-5 of the General Laws in Chapter 44-20.1 entitled "Delivery Sales of Cigarettes" are hereby amended to read as follows:

44-20.1-1. Definitions.

For purposes of this chapter:

(1) "Administrator" means the tax administrator.

(2) "Adult" means a person who is at least the legal minimum purchase age for sale of tobacco products.

(3) "Consumer" means an individual who is not licensed as a wholesaler or retailer pursuant to the provisions of § 44-20-2.

(4) "Delivery sale" means any sale of cigarettes to a consumer in the state where either:

(i) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mail or any other delivery service, or the Internet or other online service; or

(ii) The cigarettes are delivered by use of the mails or other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the state. A sale of cigarettes not for personal consumption to a person who is a wholesale dealer or a retail dealer shall not be a delivery sale.

(5) "Delivery service" means any person who is engaged in the commercial delivery of letters, packages, or other containers.

(6) "Legal minimum purchase age" means the minimum age at which an individual may
legally purchase cigarettes in the state, the age of twenty-one (21) years.

(7) "Mail" or "mailing" means the shipment of cigarettes through the United States Postal Service.

(8) "Person" means the same as that term is defined in § 44-20-1.

(9) "Shipping container" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.

44-20.1-3. Age Verification requirements.

(a) No person shall mail, ship, or otherwise deliver cigarettes in connection with a delivery sale unless such person prior to the first delivery sale to such consumer:

(1) Obtains from the prospective consumer a certification that includes:

   (i) A reliable confirmation that the consumer is at least the legal minimum purchase twenty-one (21) years of age; and

   (ii) A statement signed by the prospective consumer in writing that certifies the prospective consumer's address and that the consumer is at least eighteen (18) twenty-one (21) years of age. Such statement shall also confirm:

      (A) That the prospective consumer understands that signing another person's name to such certification is illegal;

      (B) That the sale of cigarettes to individuals under the legal minimum purchase age twenty-one (21) years of age is illegal; and

      (C) That the purchase of cigarettes by individuals under the legal minimum purchase age is illegal under the laws of the state; and

      (D) That the prospective consumer wants to receive mailings from a tobacco company;

(2) Makes a good faith effort to verify the information contained in the certification provided by the prospective consumer pursuant to subsection (1) against a commercially available database, or obtains a photocopy or other image of the valid, government-issued identification stating the date of birth or age of the individual placing the order;

(3) Provides to the prospective consumer, via e-mail or other means, a notice that meets the requirements of § 44-20.1-4; and

(4) In the case of an order for cigarettes pursuant to an advertisement on the Internet, receives payment for the delivery sale from the prospective consumer by a credit or debit card that has been issued in such consumer's name or by check.

(b) Persons accepting purchase orders for delivery sales may request that the prospective consumers provide their e-mail addresses.
44-20.1-5. Shipping requirements.

(a) Each person who mails, ships, or otherwise delivers cigarettes in connection with a delivery sale:

(1) Shall include as part of the bill of lading or other shipping documents a clear and conspicuous statement providing as follows: "Cigarettes: Rhode Island law prohibits shipping to individuals under 18, and requires the payment of all applicable taxes":

(2) Shall use a method of mailing, shipping or delivery that obligates the delivery service to require: (i) the consumer placing the purchase order for the delivery sale or another adult of legal minimum purchase age twenty-one (21) years of age or older residing at the consumer's address, to sign to accept delivery of the shipping container; and (ii) proof, in the form of a valid, government-issued identification bearing a photograph of the individual who signs to accept delivery of the shipping container, demonstrating that he/she either the addressee or another adult of legal minimum purchase age residing at the consumer's address. However, proof of the legal minimum purchase age shall be required only if such individual appears to be under twenty-seven (27) years of age; and

(3) Shall provide to the delivery service retained for such delivery sale evidence of full compliance with § 44-20.1-7.

(b) If the person accepting a purchase order for a delivery sale delivers the cigarettes without using a delivery service, such person shall comply with all requirements of this chapter applicable to a delivery service and shall be in violation of the provisions of this chapter if he/she fails to comply with any such requirement.

SECTION 4. This act shall take effect upon passage.

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LC004372
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N    A C T
RELATING TO CRIMINAL OFFENSES -- TOBACCO AND NICOTINE PRODUCTS-- CHILDREN

***

1 This act would provide certain restrictions on the sale of tobacco products, enhance the
definition of "tobacco products", and would raise the minimum age to purchase tobacco products
and nicotine-delivery systems from eighteen (18) to twenty-one (21) years of age.

4 This act would take effect upon passage.