ARTICLE 21

RELATING TO HEALTH AND SAFETY


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

No person under eighteen twenty-one (18,21) years of age shall purchase, nor shall any person sell, give, or deliver to any person under eighteen twenty-one (18, 21) years of age, any tobacco 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-distribution systems, or snuff. Any person, firm, or corporation that owns, manages, or operates a place of business in which tobacco products 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.


Sections 11-9-13.2 – 11-9-13.19 shall be cited as "An Act to Stop the Illegal Sale of Tobacco Products to Children Persons Under Twenty-One (21) Years of Age".


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".

(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) "License" is synonymous with the term "retail tobacco products dealer license" or "electronic nicotine-delivery system license" or any license issued under Title 44 of Chapter 20.

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

(8) "Person" means any individual person, firm, association, or corporation licensed as a retail dealer to sell tobacco products within the state.

(9) "Retail tobacco products dealer" means the holder of a license to sell tobacco products at retail and shall include holders of all other licenses issued under title 44 of chapter 20.

(10) "Retail tobacco products dealer license" means a license to sell tobacco products and ENDS Products as defined in section 44-20-1 at retail as issued by the department of taxation.

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

(12) "Tobacco product(s)" means any product containing tobacco, including bidi 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.

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

(14) "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 three (3) 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.

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, or any separate electronic nicotine-delivery system product as defined in § 44-20-1 (7) that is being offered for sale separately from a system, to children persons under twenty-one (21) years of age.

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 access to tobacco and electronic nicotine-delivery system dealers to persons under twenty-one (21) years of age.

(2) Provide retail tobacco products dealers and electronic nicotine-delivery system dealers signs concerning the prohibition of sales to children persons under eighteen-twenty-one (18–21) 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. Persons under the age of twenty-one (21) 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, may purchase, with impunity from prosecution, tobacco products and electronic nicotine-delivery systems 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 and that persons under the age of eighteen (18) have the written permission of a parent or guardian. 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 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-twenty-one (18
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:

THE SALE OF CIGARETTES, TOBACCO AND ELECTRONIC NICOTINE-
DELIVERY SYSTEM PRODUCTS TO PERSONS UNDER THE AGE OF 18
21 IS AGAINST RHODE ISLAND LAW (§ 11-9-13.8(1), Rhode Island Statutes) 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 and/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 and/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
and/or electronic nicotine-delivery system product:
(1) To any individual who is under eighteen-twenty-one (18-21) years of age; or
(2) In any form other than an original, factory-wrapped package as sealed and certified by
the manufacturer; or
(3) As a single-cigarette sale (§ 44-20-31) or as a sale of cigarettes by the individual piece
known as "loosies."

11-9-13.8.1. Signs concerning the health effects of tobacco and electronic nicotine
delivery systems.

Signs provided by the department of behavioral healthcare, developmental disabilities and
hospitals, or an exact duplicate of it made privately, shall:
(1) Contain red bold lettering a minimum of one-quarters of an inch (1/4") high on a white
background the following wording, in both English and Spanish: WARNING: SMOKING
CIGARETTES CONTRIBUTES TO LUNG DISEASE, CANCER, HEART DISEASE, STROKE
AND RESPIRATORY ILLNESS AND DURING PREGNANCY MAY RESULT IN LOW
BIRTH WEIGHT AND PREMATURE BIRTH.
(2) The signs shall also include information regarding resources available to Rhode Island
residents who would like to quit smoking.
(3) The signs shall be displayed prominently for public view wherever tobacco products
are sold at each cash register, each tobacco vending machine, or any other place from which tobacco
products 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.
(4) The department of behavioral healthcare, developmental disabilities and hospitals shall
have the power and authority to develop and disseminate signs pursuant to the requirements of this
section for other tobacco products and electronic nicotine delivery systems, in addition to cigarettes.
The messaging included in the signs shall be based on the most current scientific evidence.

11-9-13.10. Prohibition on the distribution and redemption of free and discounted
tobacco products and electronic nicotine delivery systems.

The distribution and/or redemption of free tobacco products, and electronic nicotine-
delivery systems or coupons or vouchers redeemable for free or discounted cigarettes, other tobacco
products, or electronic nicotine-delivery system products to any person under eighteen (18) years
of age shall be prohibited. Further, the distribution and/or redemption of free tobacco products or
electronic nicotine-delivery systems or coupons or vouchers redeemable for free tobacco or
electronic nicotine-delivery systems products 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
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officers or agents, shall bring an action for any violation of this section. Every separate, free or
discounted tobacco product or electronic nicotine-delivery system or coupon or voucher
redeemable for a free or discounted 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 and/or redemption of the free or discounted tobacco products or
electronic nicotine-delivery systems or coupons or vouchers redeemable for free or discounted
tobacco products 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 and electronic nicotine delivery system through the mail
to children, persons under eighteen-twenty-one (18-21) – Proof of age of purchaser required –
General rule.

(a) The distribution, or sale or conveyance of tobacco products and/or electronic nicotine
delivery systems products as defined in chapter 20 of Title 44 to children, persons under the age of
eighteen-twenty-one (18-21) via the United States Postal Service, or by any other public or private
postal or package delivery service, shall be prohibited.

(b) Any person, including but not limited to online retailers, 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 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-twenty-one (18-21) 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 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 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, sale, or conveyance of a tobacco product or electronic nicotine delivery system to a
child, person under eighteen-twenty-one (18-21) 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 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 to a child person under eighteen twenty-one (18-21) 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, but shall not apply to any delivery sale of cigarettes.


(a) Any person or individual who violates a requirement of § 11-9-13.6(2), display of specific signage, shall be subject to a fine in court of not less than thirty-five one hundred dollars ($35.00-100.00), 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) or § 11-9-13.20 shall be subject to civil fines as follows:

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

(2) A fine of five hundred one thousand dollars ($500-1,000) for the second violation within any thirty-six-month (36) period;

(3) A fine of one two thousand dollars ($1,000-2,000) 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 three thousand dollars ($1,500-3,000) 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 as sealed and certified by the manufacturer; shall be subject to a penalty of five hundred one thousand dollars ($500,1000) 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 suspend the imposition of a license suspension of the license secured from the Rhode Island tax administrator 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 and/or electronic nicotine-delivery systems to minors persons under the age of twenty-one (21) 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 system products at retail without first being trained in the legal sale of tobacco and/or electronic nicotine-delivery system products. Training shall teach employees what constitutes a tobacco and/or electronic nicotine-delivery system product; legal age of purchase; acceptable identification; how to refuse a direct sale to a person under twenty-one (21) years of age minor or secondary sale to an adult; 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 and/or electronic nicotine-delivery systems sales. Each employee who sells or will sell tobacco and/or electronic nicotine-delivery system products shall sign an acknowledgement form attesting that the provisions 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 and/or electronic nicotine-delivery systems to persons under twenty-one (21) years of age minors shall be defined by the department of behavioral healthcare, developmental disabilities and hospitals in rules and regulations.

11-9-13.15. Penalty for operating without a dealer license.

(a) Any individual or business who or that violates this chapter by selling or conveying a tobacco product or electronic nicotine delivery systems product without a retail tobacco products dealer license shall be cited for that violation and shall be required to appear in court for a hearing on the citation.

(b) Any individual or business cited for a violation under this section of this chapter shall:
(1) Either post a two-thousand-five-hundred-dollar ($2,500) bond with the court within ten days of the citation; or

(2) Sign and accept the citation indicating a promise to appear in court.

(c) An individual or business who or that has accepted the citation may:

(1) Pay a ten-thousand-dollar ($10,000) fine, either by mail or in person, within ten (10) days after receiving the citation; or

(2) If that individual or business has posted a bond, forfeit the bond by not appearing at the scheduled hearing. If the individual or business cited pays the ten-thousand-dollar ($10,000) fine or forfeits the bond, that individual or business is deemed to have admitted the cited violation and to have waived the right to a hearing on the issue of commission on the violation.

(d) The court after a hearing on a citation shall make a determination as to whether a violation has been committed. If it is established that the violation did occur, the court shall impose a ten-thousand-dollar ($10,000) fine, in addition to any court costs or other court fees.


(a) No liquid, whether or not such liquid contains nicotine, that is intended for human consumption and used in an electronic nicotine delivery system, as defined in § 11-9-13.4, shall be sold unless the liquid is contained in child-resistant packaging.

(b) Any liquid nicotine container that is sold at retail in this state must satisfy the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b), when tested in accordance with the method described in 16 C.F.R. § 1700.20. All licensees under § 23-1-56 § 44-20-2 shall ensure that any liquid sold by the licensee intended for human consumption and used in an electronic-nicotine delivery system, as defined in § 11-9-13.4, is sold in a liquid nicotine container that meets the requirements described and referenced in this subsection.

(c) For the purposes of this section, "liquid nicotine container" means a bottle or other container of a liquid or other substance where the liquid or substance is sold, marketed, or intended for use in a vapor product. A "liquid nicotine container" does not include a liquid or other substance in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

(d) Any licensee or any person required to be licensed under § 23-1-56 § 44-20-2 who or that fails to comply with this section shall be subject to the penalties provided in § 11-9-13.13.

(e) The licensee is responsible for all violations of this section that occur at the location for which the license is issued.
(f) No licensee or person shall be found in violation of this section if the licensee or person relied in good faith on documentation provided by or attributed to the manufacturer of the packaging of the aforementioned liquid that such packaging meets the requirements of this section. 

(g) Any product found to be in violation of this chapter shall be considered contraband and subject to the confiscation provisions outlined in § 44-20-15.

11-9-14. Use of tobacco by minors persons under the age of twenty-one.

No person under eighteen twenty-one (18-21) 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 twenty-one (18-21) 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 person charged with a violation of this section.


§ 23-1-55. Electronic nicotine delivery system distributor, and dealer licenses required

Definitions.

Definitions. Whenever used in §§ 23-1-56 to 23-1-58, unless the context requires otherwise:

(1) “Dealer” means any person, whether located within or outside of this state, who sells or distributes electronic nicotine delivery system products to a consumer in this state;

(2) “Distributor” means any person:

(i) Whether located within or outside of this state, other than a dealer, who sells or distributes electronic nicotine delivery system products within or into this state. Such term shall not include any electronic nicotine delivery system products manufacturer, export warehouse proprietor, or importer with a valid permit, if such person sells or distributes electronic nicotine delivery system products in this state only to licensed distributors or to an export warehouse proprietor or another manufacturer with a valid permit;

(ii) Selling electronic nicotine delivery system products directly to consumers in this state by means of at least twenty-five (25) electronic nicotine delivery system product vending machines;

(iii) Engaged in this state in the business of manufacturing electronic nicotine delivery system products or any person engaged in the business of selling electronic nicotine delivery system products to dealers, or to other persons, for the purpose of resale only; provided that seventy-
five percent (75%) of all electronic nicotine delivery system products sold by that person in this state are sold to dealers or other persons for resale and selling electronic nicotine delivery system products directly to at least forty (40) dealers or other persons for resale; or

(iv) Maintaining one or more regular places of business in this state for that purpose; provided, that seventy-five percent (75%) of the sold electronic nicotine delivery system products are purchased directly from the manufacturer and selling electronic nicotine delivery system products directly to at least forty (40) dealers or other persons for resale;

(3) “Electronic nicotine delivery system” means the products as defined in § 11-9-13.4(15).

§ 23-1-56. License.

(a) Each person engaging in the business of selling electronic nicotine delivery system products in the state, including any distributor or dealer, shall secure a license annually from the department before engaging in that business or continuing to engage in it. A separate application and license is required for each place of business operated by a distributor or dealer. If the applicant for a license does not have a place of business in this state, the license shall be issued for such applicant’s principal place of business, wherever located. A licensee shall notify the department within thirty (30) days in the event that it changes its principal place of business. A separate license is required for each class of business if the applicant is engaged in more than one of the activities required to be licensed by this section. No person shall maintain or operate, or cause to be operated, a vending machine for electronic nicotine delivery systems without procuring a dealer’s license for each machine.

(b) The director shall have authority to set a reasonable fee not to exceed twenty-five dollars ($25.00) for the issuance of the license.

(c) Each issued license shall be prominently displayed on the premises, if any, covered by the license.

(d) The director shall create and maintain a website setting forth the identity of all licensed persons under this section, itemized by type of license possessed, and shall update the site no less frequently than six (6) times per year.

(e) A manufacturer or importer may sell or distribute electronic nicotine delivery systems to a person located or doing business within the state only if such person is a licensed distributor. An importer may obtain electronic nicotine delivery systems only from a licensed manufacturer. A distributor may sell or distribute electronic nicotine delivery systems to a person located or doing business within this state only if such person is a licensed distributor or dealer. A distributor may obtain electronic nicotine delivery systems only from a licensed manufacturer, importer, or
distributor. A dealer may obtain electronic nicotine delivery systems only from a licensed
distributor.

(f)(1) No license under this chapter may be granted, maintained, or renewed if the
applicant, or any combination of persons owning directly or indirectly any interests in the applicant:
(i) Is delinquent in any tax filings for one month or more, or
(ii) Had a license under this chapter revoked within the past two (2) years.

(2) No person shall apply for a new license, or renewal of a license and no license shall be
issued or renewed for any person, unless all outstanding fines, fees, or other charges relating to any
license held by that person have been paid.

(3) No license shall be issued relating to a business at any specific location until all prior
licenses relating to that location have been officially terminated and all fines, fees, or charges
relating to the prior licenses have been paid or otherwise resolved or if the director has found that
the person applying for the new license is not acting as an agent for the prior licensee who is subject
to any such related fines, fees, or charges that are still due. Evidence of such agency status includes,
but is not limited to, a direct familial relationship and/or employment, contractual, or other formal
financial or business relationship with the prior licensee.

(4) No person shall apply for a new license pertaining to a specific location in order to
evade payment of any fines, fees, or other charges relating to a prior license for that location.

(5) No new license shall be issued for a business at a specific location for which a license
has already issued unless there is a bona fide, good-faith change in ownership of the business at
that location.

(6) No license or permit shall be issued, renewed or maintained for any person, including
the owners of the business being licensed, who has been convicted of violating any criminal law
relating to tobacco products and/or electronic nicotine-delivery system products, the payment of
taxes, or fraud, or has been ordered to pay civil fines of more than twenty-five thousand dollars
($25,000) for violations of any civil law relating to tobacco products and/or electronic nicotine-
delivery system products, the payment of taxes, or fraud.


Any distributor or dealer who sells, offers for sale, or possesses with intent to sell,
electronic nicotine-delivery system products without a license as provided in § 23-1-56, shall be
fined in accordance with the provisions of, and the penalties contained in, § 23-1-58.

§ 23-1-58. Penalty for operating without a dealer license.
(a) Any individual or business who violates this chapter by selling or conveying an electronic nicotine delivery system product without a retail license shall be cited for that violation and shall be required to appear in district court for a hearing on the citation.

(b) Any individual or business cited for a violation hereunder shall:

(1) Either post a five hundred dollar ($500) bond with the district court within ten (10) days of the citation; or

(2) Sign and accept the citation indicating a promise to appear in court.

(c) An individual or business who or that has accepted the citation may:

(1) Pay the five hundred dollar ($500) fine, either by mail or in person, within ten (10) days after receiving the citation; or

(2) If that individual or business has posted a bond, forfeit the bond by not appearing at the scheduled hearing. If the individual or business cited pays the five hundred dollar ($500) fine or forfeits the bond, that individual or business is deemed to have admitted the cited violation and to have waived the right to a hearing on the issue of commission on the violation.

(d) The court, after a hearing on a citation, shall make a determination as to whether a violation has been committed. If it is established that the violation did occur, the court shall impose a five hundred dollar ($500) fine in addition to any court costs or fees.

SECTION 3. Chapter 23-1 of the General Laws entitled “Department of Health” is hereby amended by adding thereto the following sections:

23-1-55 Product restrictions on Electronic Nicotine Delivery Systems – Definitions

(1) “Characterizing flavor” means a distinguishable taste or aroma imparted either prior to, or during, consumption of an electronic nicotine delivery system product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, mint, menthol, wintergreen, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice. The determination of whether an electronic nicotine delivery system product has a characterizing flavor shall not be based solely on the use of additives, flavorings, or particular ingredients, but shall instead consider all aspects of a final product including, but not limited to, taste, flavor and aroma, product labeling, and advertising statements. A flavor shall be presumed to be a characterizing flavor if a dealer or distributor has made a statement or claim directed to consumers or the public about such flavor, whether expressed or implied, that it has a distinguishable taste or aroma (other than the taste or aroma of tobacco).

(2) “Contraband” means any electronic nicotine delivery system product found to be in violation of any provision of this chapter and/or as defined title 44 chapter 20 of the general laws.

(3) “Electronic nicotine delivery system” means as defined § 11-9-13.4.
(4) “Flavored electronic nicotine delivery system” means any electronic nicotine delivery system that imparts a characterizing flavor.

23-1.56 Product restrictions on Electronic Nicotine Delivery Systems

(a) Prohibition on flavored electronic nicotine delivery systems. The sale, or offer for sale of, or the possession with intent to sell or to offer for sale, flavored electronic nicotine delivery systems to consumers within the State of Rhode Island is hereby prohibited. Compassion centers and licensed cultivators registered with the State of Rhode Island Department of Business Regulations shall be exempt from this provision.

(b) Testing and labeling requirements. The department, in consultation with the division of taxation, may promulgate regulations that specify how nicotine and other ingredients in electronic nicotine delivery systems and liquids shall be labeled and tested, including, but not limited to, labeling such products and liquids with nicotine content. The department shall have the authority to require that each of the following be performed by a laboratory that meets its approval:

(1) demonstration of nicotine content through testing; and (2) confirmation that the ingredient content through testing and the product labeling are accurate.

(c) Restrictions on ingredients. The department, in consultation with the division of taxation, may impose restrictions on the ingredients used in electronic nicotine-delivery systems as set forth in rules and regulations, not inconsistent with law, that carry into effect the provisions of this chapter.

(d) Restriction on nicotine content. No person shall sell, distribute, cause to be sold or distributed, or offer for sale to a customer located in the state an electronic nicotine-delivery system product with nicotine content greater than 35 milligrams per milliliter.

(e) Exemptions. The provisions of this chapter shall not apply to any product used for research purposes by a bona fide educational or governmental organization. The director may recommend to the general assembly that any electronic nicotine delivery systems proven to be effective for tobacco cessation by the U.S. Food and Drug Association be exempt from the provisions of § 44-20-13.2 and this chapter.

(f) Any product found to be in violation of this chapter shall be considered contraband and subject to the confiscation provisions outlined in § 44-20-15.

(g) Any person found to be selling a product found to be in violation of this chapter shall be subject to the penalties outlined in § 44-20-35 and/or 44-20-51 and/or 44-20-51.1.

SECTION 4. The title of the General Laws in Chapter 44-20 entitled “Cigarette and Other Tobacco Products Tax” is hereby amended to read as follows:

CHAPTER 20
CIGARETTE, OTHER TOBACCO PRODUCTS, AND E-LIQUID PRODUCTS TAX

SECTION 5. Sections 44-20-1 44-20-2, 44-20-3, 44-20-4, 44-20-5, and 44-20-8.2 of the General Laws in Chapter 44-20 entitled “Cigarette and Other Tobacco Products Tax” are hereby amended to read as follows:

**44-20-1. Definitions**

Whenever used in this chapter, unless the context requires otherwise:

(1) “Administrator” means the tax administrator;

(2) “Cigarettes” means and includes any cigarettes suitable for smoking in cigarette form, and each sheet of cigarette rolling paper, including but not limited to, paper made into a hollow cylinder or cone, made with paper or any other material, with or without a filter suitable for use in making cigarettes;

(3) “Dealer” means any person whether located within or outside of this state, who sells or distributes cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products to a consumer in this state;

(4) “Distributor” means any person:

(A) Whether located within or outside of this state, other than a dealer, who sells or distributes cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products within or into this state. Such term shall not include any cigarette or other tobacco product manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. § 5712, if such person sells or distributes cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products in this state only to licensed distributors, or to an export warehouse proprietor or another manufacturer with a valid permit under 26 U.S.C. § 5712;

(B) Selling cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products directly to consumers in this state by means of at least twenty-five (25) vending machines;

(C) Engaged in this state in the business of manufacturing cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products to dealers, or to other persons, for the purpose of resale only; provided, that seventy-five percent (75%) of all cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products sold by that person in this state are sold to dealers or other persons for resale and selling cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products directly to at least forty (40) dealers or other persons for resale; or
(D) Maintaining one or more regular places of business in this state for that purpose;

provided, that seventy-five percent (75%) of the sold cigarettes and/or other tobacco products
and/or electronic nicotine-delivery system products are purchased directly from the manufacturer
and selling cigarettes and/or other tobacco products and/or electronic nicotine-delivery system
products directly to at least forty (40) dealers or other persons for resale;

(5) “E-liquid” and “e-liquid products” mean any liquid or substance placed in or sold for
use in an electronic nicotine-delivery system which generally utilizes a heating element that
vaporizes or combusts a liquid or other substance containing nicotine or nicotine derivative:

(a) whether the liquid or substance contains nicotine or a nicotine derivative; or,

(b) whether sold separately or sold in combination with a personal vaporizer, electronic
nicotine delivery system or an electronic inhaler.

(6) "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, electronic hookah, or any related device or any cartridge or other component of
such device.

(7) "Electronic nicotine-delivery system products" means any combination of electronic
nicotine delivery system and/or e-liquid and/or any derivative thereof, that is not a flavored
electronic nicotine delivery system product as defined in § 23-1-56 or an electronic nicotine-
delivery system product with nicotine content greater than 35 milligrams per milliliter. Electronic
nicotine-delivery system products shall not include Hemp-derived consumable CBD products as
defined in § 2-26-3.

(58) "Importer" means any person who imports into the United States, either directly or
indirectly, a finished cigarette or other tobacco product and/or electronic nicotine-delivery system
product for sale or distribution;

(69) "Licensed", when used with reference to a manufacturer, importer, distributor or
dealer, means only those persons who hold a valid and current license issued under § 44-20-2 for
the type of business being engaged in. When the term "licensed" is used before a list of entities,
such as "licensed manufacturer, importer, wholesale dealer, or retailer dealer," such term shall be
deemed to apply to each entity in such list;

(210) "Manufacturer" means any person who manufactures, fabricates, assembles,
processes, or labels a finished cigarette and/or other tobacco products and/or electronic nicotine-
delivery system products:
"Other tobacco products" (OTP) means any cigars (excluding Little Cigars, as defined in § 44-20.2-1, which are subject to cigarette tax), cheroots, stogies, smoking tobacco (including granulated, plug cut, crimp cut, ready rubbed and any other kinds and forms of tobacco suitable for smoking in a pipe or otherwise), chewing tobacco (including Cavendish, twist, plug, scrap and any other kinds and forms of tobacco suitable for chewing), any and all forms of hookah, shisha and "mu'assel" tobacco, snuff, and shall include any other articles or products made of or containing tobacco, in whole or in part, or any tobacco substitute, except cigarettes;

"Person" means any individual, including an employee or agent, firm, fiduciary, partnership, corporation, trust, or association, however formed;

"Pipe" means an apparatus made of any material used to burn or vaporize products so that the smoke or vapors can be inhaled or ingested by the user;

"Place of business" means any location where cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products are sold, stored, or kept, including, but not limited to; any storage room, attic, basement, garage or other facility immediately adjacent to the location. It also includes any receptacle, hide, vessel, vehicle, airplane, train, or vending machine;

"Sale" or "sell" means gifts, exchanges, and barter of cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products. The act of holding, storing, or keeping cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products at a place of business for any purpose shall be presumed to be holding the cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products for sale. Furthermore, any sale of cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products by the servants, employees, or agents of the licensed dealer during business hours at the place of business shall be presumed to be a sale by the licensee;

"Stamp" means the impression, device, stamp, label, or print manufactured, printed, or made as prescribed by the administrator to be affixed to packages of cigarettes, as evidence of the payment of the tax provided by this chapter or to indicate that the cigarettes are intended for a sale or distribution in this state that is exempt from state tax under the provisions of state law; and also includes impressions made by metering machines authorized to be used under the provisions of this chapter.

44-20-2. Manufacturer, importer, distributor, dealer, and licenses required. Licenses required.

(a) Each manufacturer engaging in the business of selling any electronic nicotine-delivery system products in this state, to the extent not prohibited by federal law, shall secure a
license, unless otherwise prohibited by federal law, from the administrator before engaging in that
business, or continuing to engage in it.

(b) Each person engaging in the business of selling cigarette and/or any tobacco products
and/or any electronic nicotine-delivery system products in this state, including any distributor or
dealer, shall secure a license from the administrator before engaging in that business, or continuing
to engage in it. A separate application and license is required for each place of business operated
by a distributor or dealer; provided, that an operator of vending machines for cigarette products is
not required to obtain a distributor's license for each machine. If the applicant for a license does not
have a place of business in this state, the license shall be issued for such applicant's principal place
of business, wherever located. A licensee shall notify the administrator within thirty (30) days in
the event that it changes its principal place of business. A separate license is required for each class
of business if the applicant is engaged in more than one of the activities required to be licensed by
this section. No person shall maintain or operate or cause to be operated a vending machine for
cigarette products without procuring a dealer's license for each machine.


Any distributor or dealer who sells, offers for sale, or possesses with intent to sell, cigarettes
and/or any other tobacco products and/or any electronic nicotine-delivery system products, or
manufacturer who sells, offers for sale, or possesses with intent to sell, electronic nicotine-delivery
system products, without a license as provided in § 44-20-2, shall be guilty of a misdemeanor, and
shall be fined not more than ten thousand dollars ($10,000) for each offense, or be imprisoned for
a term not to exceed one (1) year, or be punished by both a fine and imprisonment. Immediately
following the enactment of this chapter, any electronic nicotine-delivery system products
distributor or dealer, licensed by the department of health pursuant to chapter 1 of title 23 of the
Rhode Island general laws, shall be considered licensed for purposes of compliance with this
chapter until the renewal date for such distributor or dealer license pursuant to chapter 1 of title 23
of the Rhode Island general laws occurs; thereafter, such distributors and dealers shall be required
to comply with the license requirements in this chapter.


All licenses are issued by the tax administrator upon approval of application, stating, on
forms prescribed by the tax administrator, the information he or she may require for the proper
administration of this chapter. Each application for a manufacturer, importer's, or distributor's
license shall be accompanied by a fee of one thousand dollars ($1,000); provided, that for a
distributor who does not affix stamps, the fee shall be one-four hundred dollars ($100); each
application for a dealer's license shall be accompanied by an application fee of twenty-seven-and-five
dollars ($275.00) and a license fee of four-hundred dollars ($400.00). Each issued license shall be prominently displayed on the premises within this state, if any, covered by the license. In the instance of an application for a distributor's license, the administrator shall require, in addition to other information as may be deemed necessary, the filing of affidavits from three (3) cigarette manufacturers with national distribution stating that the manufacturer will supply the distributor if the applicant is granted a license.

44-20-5. Duration of manufacturer’s, importer’s, distributor’s and dealer’s licenses – Renewal.

(a) Any manufacturer, importer, or distributor license and any license issued by the tax administrator authorizing a dealer to sell cigarettes and/or other tobacco products and/or electronic nicotine-delivery system products or a manufacturer to sell electronic nicotine-delivery system products in this state shall expire at midnight on June 30 next succeeding the date of issuance unless (1) suspended or revoked by the tax administrator, (2) the business with respect to which the license was issued changes ownership, (3) the manufacturer, importer, distributor or dealer ceases to transact the business for which the license was issued, or (4) after a period of time set by the administrator; provided such period of time shall not be longer than three (3) years, in any of which cases the license shall expire and terminate and the holder shall immediately return the license to the tax administrator.

(b) Every holder of a dealer's license shall annually, on or before February 1 of each year, renew its license by filing an application for renewal along with a twenty-five four hundred dollar ($25.00) ($400) renewal fee. The renewal license is valid for the period July 1 of that calendar year through June 30 of the subsequent calendar year.

44-20-8.2. Transactions only with licensed manufacturers, importers, distributors, and dealers.

A manufacturer or importer may sell or distribute cigarettes and/or other tobacco products to a person located or doing business within this state, only if such person is a licensed importer or distributor. A manufacturer may sell or distribute electronic nicotine-delivery system products to a person located or doing business within this state only if such person is a licensed manufacturer. An importer may obtain cigarettes and/or other tobacco products and/or e-liquid products only from a licensed manufacturer. A distributor may sell or distribute cigarettes and/or other tobacco products and/or e-liquid products only from a licensed manufacturer, importer, or
A dealer may obtain cigarettes and/or other tobacco products and/or e-liquid products only from a licensed distributor.

SECTION 6. Effective August 1, 2020 unless otherwise specified herein, sections 44-20-12.44-20-12.7, 4-20-13, 44-20-13.2, 44-20-15, 44-20-33, 44-20-35, 44-20-40, 44-20-40.1, 44-20-43, 44-20-45, 44-20-47, and 44-20-51.1 of the General Laws in Chapter 44-20 entitled “Cigarette and Other Tobacco Products Tax” are hereby amended to read as follows:

44-20-12. Tax imposed on cigarettes sold.

A tax is imposed on all cigarettes sold or held for sale in the state. The payment of the tax to be evidenced by stamps, which may be affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on which the proper amount of tax provided for in this chapter has been paid, payment being evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of two hundred twelve and one-half (212.5) two hundred thirty (230) mills for each cigarette.

44-20-12.7. Floor stock tax on cigarettes and stamps

(a) Each person engaging in the business of selling cigarettes at retail in this state shall pay a tax or excise to the state for the privilege of engaging in that business during any part of the calendar year 2020. In calendar year 2020, the tax shall be measured by the number of cigarettes held by the person in this state at 12:01 a.m. on August 1, 2020 and is computed at the rate of seventeen and one-half (17.5) mills for each cigarette on August 1, 2020.

(b) Each distributor licensed to do business in this state pursuant to this chapter shall pay a tax or excise to the state for the privilege of engaging in that business during any part of the calendar year 2020. The tax is measured by the number of stamps, whether affixed or to be affixed to packages of cigarettes, as required by § 44-20-28. In calendar year 2020 the tax is measured by the number of stamps, whether affixed or to be affixed, held by the distributor at 12:01 a.m. on August 1, 2020, and is computed at the rate of seventeen and one-half (17.5) mills per cigarette in the package to which the stamps are affixed or to be affixed.

(c) Each person subject to the payment of the tax imposed by this section shall, on or before August 15, 2020, file a return, under oath or certified under the penalties of perjury, with the tax administrator on forms furnished by him or her, showing the amount of cigarettes and the number of stamps in that person’s possession in this state at 12:01 a.m. on August 1, 2020, as described in this section above, and the amount of tax due, and shall at the time of filing the return pay the tax to the tax administrator. Failure to obtain forms shall not be an excuse for the failure to make a return containing the information required by the tax administrator.
(d) The tax administrator may prescribe rules and regulations, not inconsistent with law regarding the assessment and collection of the tax imposed by this section.


A tax is imposed at the rate of two hundred twelve and one half (212.5) two hundred thirty (230) mills for each cigarette upon the storage or use within this state of any cigarettes not stamped in accordance with the provisions of this chapter in the possession of any consumer within this state.

44-20-13.2. Tax imposed on other tobacco products, smokeless tobacco, cigars, and pipe tobacco products, and e-liquid products.

(a) A tax is imposed on all other tobacco products, smokeless tobacco, cigars, and pipe tobacco products, and e-liquid products sold, or held for sale in the state by any person, the payment of the tax to be accomplished according to a mechanism established by the administrator, division of taxation, department of revenue. The tax imposed by this section shall be as follows:

(1) At the rate of eighty percent (80%) of the wholesale cost of other tobacco products, cigars, pipe tobacco products, and smokeless tobacco other than snuff.

(2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of cigars, the tax shall not exceed fifty-eighty cents ($0.580) for each cigar.

(3) At the rate of one dollar ($1.00) per ounce of snuff, and a proportionate tax at the like rate on all fractional parts of an ounce thereof. Such tax shall be computed based on the net weight as listed by the manufacturer; provided, however, that any product listed by the manufacturer as having a net weight of less than 1.2 ounces shall be taxed as if the product has a net weight of 1.2 ounces.

(4) Effective September 1, 2020, at the rate of eighty percent (80%) of the wholesale cost of e-liquid products as defined herein.

(b) Any dealer having in his or her possession any other tobacco products with respect to the storage or use of which a tax is imposed by this section shall, within five (5) days after coming into possession of the other tobacco products in this state, file a return with the tax administrator in a form prescribed by the tax administrator. The return shall be accompanied by a payment of the amount of the tax shown on the form to be due.

(c) Records required under this section shall be preserved on the premises described in the relevant license in such a manner as to ensure permanency and accessibility for inspection at reasonable hours by authorized personnel of the administrator.

(d) The proceeds collected are paid into the general fund.

(a) All cigarettes, and other tobacco products, and/or e-liquid products that are held for sale or distribution within the borders of this state in violation of the requirements of this chapter are declared to be contraband goods and may be seized by the tax administrator or his or her agents, or employees, or by any sheriff, or his or her deputy, or any police officer when directed by the tax administrator to do so, without a warrant. All contraband goods seized by the state under this chapter shall be destroyed.

(b) All fixtures, equipment, and all other materials and personal property on the premises of any distributor or dealer who, with the intent to defraud the state, fails to keep or make any record, return, report, or inventory; keeps or makes any false or fraudulent record, return, report, or inventory required by this chapter; refuses to pay any tax imposed by this chapter; or attempts in any manner to evade or defeat the requirements of this chapter shall be forfeited to the state.

44-20-33. Sale of contraband cigarettes, or contraband other tobacco products or contraband e-liquid products prohibited.

No distributor shall sell, and no other person shall sell, offer for sale, display for sale, or possess with intent to sell any contraband other tobacco products without written record of the payment of tax imposed by this chapter, or contraband e-liquid products without written record of the payment of tax imposed by this chapter or contraband cigarettes, the packages or boxes of which do not bear stamps evidencing the payment of the tax imposed by this chapter.

44-20-35. Penalties for violations as to unstamped contraband cigarettes, or contraband other tobacco products, or contraband e-liquid products.

(a) Any person who violates any provision of §§ 44-20-33, and 44-20-34 and/or 23-1-56 shall be fined or imprisoned, or both fined and imprisoned, as follows:

(1) For a first offense in a twenty-four-month (24) period, fined not more than ten (10) times the retail value of the contraband cigarettes, contraband e-liquid products, and/or contraband other tobacco products, or be imprisoned not more than one (1) year, or be both fined and imprisoned;

(2) For a second or subsequent offense in a twenty-four-month (24) period, fined not more than twenty-five (25) times the retail value of the contraband cigarettes, contraband e-liquid products and/or contraband other tobacco products, or be imprisoned not more than three (3) years, or be both fined and imprisoned.

(b) When determining the amount of a fine sought or imposed under this section, evidence of mitigating factors, including history, severity, and intent shall be considered.

(a) Each manufacturer, importer, distributor, and dealer shall maintain copies of invoices or equivalent documentation for, or itemized for, each of its facilities for each transaction (other than a retail transaction with a consumer) involving the sale, purchase, transfer, consignment, or receipt of cigarettes, other tobacco products and e-liquid products. The invoices or documentation shall show the name and address of the other party and the quantity by brand style of the cigarettes, other tobacco products and e-liquid products involved in the transaction. All records and invoices required under this section must be safely preserved for three (3) years in a manner to insure permanency and accessibility for inspection by the administrator or his or her authorized agents.

(b) Records required under this section shall be preserved on the premises described in the relevant license in such a manner as to ensure permanency and accessibility for inspection at reasonable hours by authorized personnel of the administrator. With the administrator's permission, persons with multiple places of business may retain centralized records but shall transmit duplicates of the invoices or the equivalent documentation to each place of business within twenty-four (24) hours upon the request of the administrator or his or her designee.

(c) The administrator or his or her authorized agents may examine the books, papers, reports and records of any manufacturer, importer, distributor or dealer in this state for the purpose of determining whether taxes imposed by this chapter have been fully paid, and may investigate the stock of cigarettes, other tobacco products and/or electronic nicotine-delivery system products in or upon any premises for the purpose of determining whether the provisions of this chapter are being obeyed. The administrator in his or her sole discretion may share the records and reports required by such sections with law enforcement officials of the federal government or other states.

44-20-40.1. Inspections.

(a) The administrator or his or her duly authorized agent shall have authority to enter and inspect, without a warrant during normal business hours, and with a warrant during nonbusiness hours, the facilities and records of any manufacturer, importer, distributor or dealer.

(b) In any case where the administrator or his or her duly authorized agent, or any police officer of this state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes, or other tobacco products or contraband e-liquid products in violation of this chapter, the administrator, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes, or contraband other tobacco products or contraband e-liquid products.

44-20-43. Violations as to reports and records.
Any person who fails to submit the reports required in this chapter or by the tax administrator under this chapter, or who makes any incomplete, false, or fraudulent report, or who refuses to permit the tax administrator or his or her authorized agent to examine any books, records, papers, or stocks of cigarettes, or other tobacco products or electronic nicotine-delivery system products as provided in this chapter, or who refuses to supply the tax administrator with any other information which the tax administrator requests for the reasonable and proper enforcement of the provisions of this chapter, shall be guilty of a misdemeanor punishable by imprisonment up to one (1) year, or a fine of not more than five thousand dollars ($5,000), or both, for the first offense, and for each subsequent offense, shall be fined not more than ten thousand dollars ($10,000), or be imprisoned not more than five (5) years, or both.

44-20-45. Importation of cigarettes, and/or other tobacco products, and/or e-liquid products with intent to evade tax.

Any person, firm, corporation, club, or association of persons who or that orders any cigarettes, and/or other tobacco products, and/or electronic nicotine-delivery system products for another; or pools orders for cigarettes, and/or other tobacco products, and/or electronic nicotine-delivery system products from any persons; or conspires with others for pooling orders; or receives in this state any shipment of contraband cigarettes, and/or contraband other tobacco products, and/or contraband e-liquid products on which the tax imposed by this chapter has not been paid, for the purpose and intention of violating the provisions of this chapter or to avoid payment of the tax imposed in this chapter, is guilty of a felony and shall be fined one hundred thousand dollars ($100,000) or five (5) times the retail value of the cigarettes, other tobacco products, and/or e-liquid products involved, whichever is greater, or imprisoned not more than fifteen (15) years, or both.

44-20-47. Hearings by tax administrator.

Any person aggrieved by any action under this chapter of the tax administrator or his or her authorized agent for which a hearing is not elsewhere provided may apply to the tax administrator, in writing, within thirty (30) days of the action for a hearing, stating the reasons why the hearing should be granted and the manner of relief sought. The tax administrator shall notify the applicant of the time and place fixed for the hearing. After the hearing, the tax administrator may make the order in the premises as may appear to the tax administrator just and lawful and shall furnish a copy of the order to the applicant. The tax administrator may, by notice in writing, at any time, order a hearing on his or her own initiative and require the taxpayer or any other individual whom the tax administrator believes to be in possession of information concerning any manufacture, importation, or sale of cigarettes, other tobacco products, and/or e-liquid products to
appear before the tax administrator or his or her authorized agent with any specific books of
account, papers, or other documents, for examination relative to the hearing.

44-20-51.1. Civil penalties.

(a) Whoever omits, neglects, or refuses to comply with any duty imposed upon him/her by
this chapter, or to do, or cause to be done, any of the things required by this chapter, or does
anything prohibited by this chapter, shall, in addition to any other penalty provided in this chapter,
be liable as follows:

(1) For a first offense in a twenty-four-month (24) period, a penalty of not more than ten
(10) times the retail value of the cigarettes, other tobacco products and/or e-liquid products
involved; and

(2) For a second or subsequent offense in a twenty-four-month (24) period, a penalty of
not more than twenty-five (25) times the retail value of the cigarettes, other tobacco products
and/or contraband e-liquid products involved.

(b) Whoever fails to pay any tax imposed by this chapter at the time prescribed by law or
regulations, shall, in addition to any other penalty provided in this chapter, be liable for a penalty
of one thousand dollars ($1,000) or not more than five (5) times the tax due but unpaid, whichever
is greater.

(c) When determining the amount of a penalty sought or imposed under this section,
evidence of mitigating or aggravating factors, including history, severity, and intent, shall be
considered.

SECTION 7. Effective July 1, 2020, section 44-20.1-3 of the General Laws in Chapter 44-
20.1 entitled “Delivery Sales of Cigarettes” is hereby amended to read as follows:

44-20.1-3. Age Verification requirements.

(a) No person, including but not limited to online retailers, shall mail, ship, or otherwise
deliver cigarettes, other tobacco products, or electronic nicotine delivery systems 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 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 twenty-one (18.21) 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 is illegal;

(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.

(c) The division of taxation, in consultation with the department of health, may promulgate rules and regulations pertaining to this section.

SECTION 8. Section 45-6-1 of the General Laws in Chapter 45-6 entitled “Ordinances” is hereby amended to read as follows:

45-6-1. Scope of ordinances permissible.

(a) Town and city councils may, from time to time, make and ordain all ordinances and regulations for their respective towns and cities, not repugnant to law, which they deem necessary for the safety of their inhabitants from fire, firearms, and fireworks; to regulate the use and sale of cigarettes, other tobacco products, and electronic nicotine delivery systems; to prevent persons standing on any footwalk, sidewalk, doorstep, or in any doorway, or riding, driving, fastening, or leaving any horse or other animal or any carriage, team, or other vehicle on any footwalk, sidewalk, doorstep, or doorway within the town or city, to the obstruction, hindrance, delay, disturbance, or annoyance of passersby or of persons residing or doing business in this vicinity; to regulate the putting up and maintenance of telegraph and other wires and their appurtenances; to prevent the indecent exposure of any one bathing in any of the waters within their respective towns and cities; against breakers of the Sabbath; against habitual drunkenness; respecting the purchase and sale of merchandise or commodities within their respective towns and cities; to protect burial grounds and the graves in these burial grounds from trespassers; and, generally, all other ordinances, regulations
and bylaws for the well ordering, managing, and directing of the prudential affairs and police of
their respective towns and cities, not repugnant to the constitution and laws of this state, or of the
United States.

(b) Town and city councils shall furnish to their senators and representatives, upon request
and at no charge, copies and updates of all ordinances and regulations.

(c) In lieu of newspaper publication, advance notice of proposed adoption, amendment, or
repeal of any ordinance or regulation by a municipality may be provided via electronic media on a
website maintained by the office of the secretary of state.

SECTION 9. SECTIONS 1 and 7 shall be effective July 1, 2020. SECTION 6 shall be
effective August 1, 2020. All other sections of this article shall take effect upon passage.