

Portland MLSA Tobacco 21 FAQ



WHAT IS THE NEW ORDINANCE?

The ordinance prohibits Portland retailers from selling cigarettes, cigars, chewing tobacco, powdered tobacco, other tobacco products or electronic cigarettes to customers under the age 21.

ARE THERE ANY EXEMPTIONS TO THE ORDINANCE?

There are no exemptions to the ordinance.

WHY DID PORTLAND PASS THIS ORDINANCE?

Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. Each day in the United States, more than 3,800 youth aged 18 or younger smoke their first cigarette, and an additional 2,100 youth and young adults become daily cigarette smokers.

A March 2015 report released by the Institution of Medicine (IOM) found that increasing the MLSA (Minimum Legal Sale Age) for tobacco products will likely prevent or delay initiation of tobacco use by adolescents and young adults. The IOM report also found that if the MLSA were raised now, the models projected that by the time today's teenagers were adults, there would be a 12% decrease in the prevalence of tobacco use. Ultimately, raising the MLSA to 21 would have a substantial positive impact on public health and save lives.

On June 19, 2015, Hawaii became the first state to raise the tobacco sale age to 21. At least 135 localities in nine states have also raised the tobacco age to 21, including Boston, New York City and Chicago. Portland is the first municipality in Maine to do so.

WHAT PRODUCTS DOES THIS ORDINANCE APPLY TO?

The ordinance prohibits the sale of cigarettes, other tobacco products (such as cigars, cigarillos, smokeless tobacco, snus and tobacco-containing shisha), as well as electronic cigarettes and their component parts (including refills and cartridges) to individuals under 21.

WHAT ARE ELECTRONIC CIGARETTES?

Electronic cigarettes are battery-operated devices that contain nicotine and deliver vapor for inhalation. They may be sold as "e-cigs," "e-cigarettes," "e-hookahs" or under other names. Common brands include Blu, NJOY and Logic, although there are many others. Electronic cigarettes, as defined in the ordinance, include refills, cartridges and other component parts. Refills are sometimes called "e-liquid" or "e-juice".

ARE THERE ANY PRODUCTS NOT SUBJECT TO THE NEW LEGAL SALES AGE OF 21?

Non-tobacco shisha, herbal cigarettes, pipes, rolling papers and smoking paraphernalia can be sold to people under age 21, but sales of these products are still prohibited to those under 18 years old.

WILL NEW SIGNAGE BE REQUIRED FOR PORTLAND STORES?

Yes. Individuals, corporations, partnerships, unincorporated associations or other entities may not sell or permit the sale of tobacco products in the City of Portland unless a clearly visible notice is posted at the location where tobacco products are available for purchase. The City of Portland shall provide this notice, which shall state "No person under the age of 21 may purchase tobacco products," legibly printed in letters at least one-half inch high.

HOW WILL THE NEW LEGAL SALES AGE AFFECT AGE VERIFICATION?

Retailers must verify that customers who ask for cigarettes, other tobacco products or electronic cigarettes are at least 21 years old. If a customer looks like he/she is under 27 years old, retailers must ask for proof of age. Any of these documents constitutes acceptable proof of age:

- A valid photo driver's license or non-driver ID card issued by a state or other U.S. or Canadian government agency.
- A valid passport.
- A photo ID issued by the armed forces of the United States.

ID cards issued by employers, schools or colleges are not acceptable forms of ID.

WHAT ARE THE PENALTIES FOR A VIOLATION?

If a retailer is found in noncompliance with the ordinance, a penalty will be imposed. The penalty will be no less than \$50 and no more than \$500.

WHEN DOES THIS ORDINANCE GO INTO EFFECT?

The ordinance goes into effect 30 days after the passage. The ordinance was passed on June 20, 2016 and will go into effect on July 20, 2016.

HOW WILL THIS ORDINANCE BE ENFORCED?

It will be enforced by the City of Portland Public Health Division which will conduct compliance checks on tobacco retailers in Portland.

HOW CAN I SEE THE ACTUAL ORDINANCE?

It will be available on the City of Portland website: www.portlandmaine.gov

WHAT IF I HAVE QUESTIONS OR NEED MORE INFORMATION?

Please contact the Public Health Division at 874-8784 if you have additional questions.