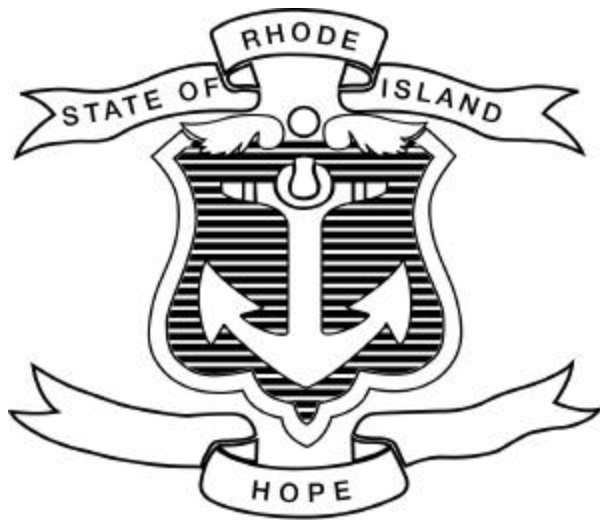


# RETAILER'S TOBACCO GUIDE



*Translating Respect and Compassion into Responsible Action*

**Department of Mental Health, Retardation and Hospitals  
Division of Behavioral Healthcare Services**

Think about it...

The number of tobacco related deaths each year in Rhode Island is equivalent to 1,800 deaths.

If two commuter bus loads of people were dying every day in traffic fatality accidents, how long would you tolerate this?



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## INTRODUCTION

The retailer plays a leading role in keeping the children in Rhode Island tobacco free. By doing your part in making sure tobacco products are not available for sale or distribution to children, you will be contributing to a healthier community and showing you care about kids.

### **This guide is designed to:**

- Assist you in examining your role in the reduction of children's access to tobacco
- Give you the facts about state law regarding the sale of tobacco products to minors
- Suggest steps you can take to be in compliance
- Identify resources
- Provide a not-to-scale sample of the sign required to be posted in your establishment

**NOTE: The employer is responsible for knowing the current tobacco law in Rhode Island**

## RHODE ISLAND TOBACCO LAW

For the updated version of the Rhode Island Tobacco Law, please visit the RI General Assembly website at <http://www.rilin.state.ri.us>

## IT'S YOUR OPPORTUNITY TO PARTICIPATE IN PREVENTION

Tobacco use is the single leading preventable cause of death in the United States. It kills more than 400,000 Americans each year. This is more than the number of individuals killed by AIDS, car accidents, alcohol use, homicide, illegal drugs, suicides, and fires combined. The purpose of state and federal rules is to reduce young people's access to and use of tobacco, while keeping cigarettes and smokeless tobacco legal for sale to adults. Young people say that they purchase tobacco products from clerks they know will not check for an I.D. Many clerks are peers and do not think twice about selling to someone under the age of 18.

## WHAT RHODE ISLAND CAN LOSE

If Rhode Island fails to reduce the rate of sales of tobacco products to youth to 20% or less, we are at risk of losing millions of dollars in funding for substance abuse related programs. By selling to minors you are contributing to the loss of money to our state and community.

## EASY ACCESS

In Rhode Island, we have to work to reduce youth access to tobacco products. Young people say it is easy to buy tobacco products, especially when the clerk is a peer.

## THE MOST EFFECTIVE PREVENTION PROGRAMS ARE COMMUNITY-WIDE EFFORTS THAT COMBINE EDUCATION AND PUBLIC POLICY APPROACHES.

Retailers are important members of the community. Parents, teachers, doctors, and others who live in your neighborhood and shop in your store want store owners and their employees to take seriously all restrictions regarding the sale of tobacco products to minors. Show them you put kids first by following the rules.

## HOW TO CALCULATE AGE CUT OFF

How do you determine if a customer is over 18? In some stores the register will do the math for you. Scan the tobacco product, enter the customer's birthday from their ID, and the computer will let you know if the person is old enough to buy tobacco.

Now, what if your store doesn't have this modern technology? To quickly determine if the customer is old enough, use the "Drop 20, Add 2" formula.

"How does the 'Drop 20, Add 2' formula work?"

Drop 20 years from today's date, then add 2 years. This is the cutoff date. Compare the cutoff date you calculated to the date of birth on the customer's picture ID.

You need to pay special attention to the month and day. If the customer's date of birth is **earlier** than the cutoff date, you may sell that person tobacco products.

## DEALING WITH PEER REQUESTED SALES

Following are examples of what can happen:

A school friend comes in the store; his good friend is the clerk. He/she starts a conversation about school, sports, or whatever. In the middle of the conversation he asks the clerk for a pack of cigarettes.

What should the clerk do? He could cut his buddy some slack, since he knows him, but the clerk holds his ground and says he can't risk it.

Next, the buddy tries a guilt trip. Then asks, who will know about it after all? He won't tell.

Fortunately, the clerk obeys the law. The clerk realizes his job is more important than doing a small so-called "favor" for a so-called "friend."

By doing the right thing, making the choice not to sell tobacco products to an underage person, the clerk may lose a "friend" or he might earn his friend's respect. Either way, the cost is too high to not do the right thing.

## WHAT WE HAVE LEARNED

### Tobacco Use Among Young People

- Nationwide, approximately 80% of adult smokers started smoking before the age of 18. Every day nearly 3,000 young people under the age of 18 become habitual smokers (Center for Disease Control and Prevention).
- Smoking slows down lung growth.
- Tobacco is commonly known as a “gateway drug” and is often the first drug used by young people who later use alcohol and illegal drugs (Center on Addictions and Substance Abuse at Columbia University, 1993 Gateway Drugs Study).
- Studies have shown the early signs of heart disease and stroke in adolescents who smoke.
- Smoking hurts young people’s physical fitness in terms of both performance and endurance, even among young people trained in competitive running.
- On average, someone who smokes a pack or more of cigarettes each day lives 6.6 years less than someone who never smokes habitually.
- The resting heart rates of young adult smokers are two to three beats per minute faster than non-smokers.

- Smoking at an early age increases the risk of lung cancer. For most smoking related cancers, the risk rises as the individual continues to smoke.
- Teen smokers suffer from shortness of breath almost three times as often as teens that don’t smoke, and produce phlegm more than twice as often as teens that don’t smoke.
- Even though it is against the law in all 50 states to sell tobacco products to minors, numerous studies show that adolescents can easily buy these products.
- Shoplifting is a popular way to obtain tobacco products. All stores should have tobacco products behind the counter or locked so there is no access.
- Teenagers who smoke are three times as likely as nonsmokers to use alcohol, eight times as likely to use marijuana, and twenty two times as likely to use cocaine.
- Youth who have not smoked by age 18 are 89% less likely to start.
- 85% of kids who smoke prefer Marlboro, Camel or Newport; the three most advertised brands.
- It’s easier for girls to purchase cigarettes than boys, even though they attempt it less frequently.

## RESOURCES

### **Annual Synar Survey Results**

Department of Mental Health, Retardation and Hospitals  
Division of Substance Abuse  
14 Harrington Road, Cranston, RI 02920-3080

### **CDC May 1997 Report**

<http://www.CDC.org>

### **American Cancer Society**

<http://www.cancer.org>

### **American Heart Association**

<http://www.amhrt.org>

### **American Lung Association**

<http://www.lungusa.org>

### **Department of Health and Human Services Youth Info**

<http://youth.os.dhhs.gov/>

### **RI General Assembly address for updated law version**

<http://www.rilin.state.ri.us>

### **Join Together**

<http://www.jointogether.org>

### **National Clearinghouse for Alcohol and Drug Info**

<http://www.health.org>

### **National PTA**

<http://www.pta.org/>



To download the latest version of the  
**RI Retailer's Tobacco Guide**  
please go to  
[www.mhrh.state.ri.us](http://www.mhrh.state.ri.us)

## RETAIL EMPLOYEE NOTIFICATION FORM

We recommend that a notification form be completed by each employee and maintained at the retail location.

### Cigarette and Tobacco Products Retail Employee Notification

License Holder Name \_\_\_\_\_

Location Address \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Taxpayer # \_\_\_\_\_ Permit # \_\_\_\_\_ Outlet # \_\_\_\_\_

Notice and explanation given by:

Name \_\_\_\_\_ Title \_\_\_\_\_

Employee \_\_\_\_\_ SSN \_\_\_\_\_

Current Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Employment Date \_\_\_\_\_ Termination Date \_\_\_\_\_

Employee Statement:

I, \_\_\_\_\_, have been notified of the provisions of RI General Law 11-9-13, An Act to stop the illegal sale of tobacco products to children. By signing this form, I acknowledge that the law has been fully explained to me and that I understand and agree to comply with the law as a condition of employment.

Employee Signature: \_\_\_\_\_ Date \_\_\_\_\_

(SAMPLE - PHOTOCOPY FOR EMPLOYEES)

## REQUIRED STATE SIGN FOR ALL TOBACCO OUTLETS

This sign is required at each point of sale (e.g., cash register). The sign is in red and can be downloaded from our website at [www.mhrh.state.ri.us](http://www.mhrh.state.ri.us)

**THE SALE OF CIGARETTES  
AND OTHER TOBACCO  
PRODUCTS TO PERSONS  
UNDER THE AGE OF 18 IS  
AGAINST RHODE ISLAND LAW  
(Section 11-9-13.8 (1), Rhode  
Island Statutes). PHOTO ID FOR  
PROOF OF AGE IS REQUIRED  
FOR PURCHASE.**

**Contact the Rhode Island Council on  
Alcoholism and Other Drug Dependence  
to report any violations of this Act.**

**Telephone: 1-866-ALC-DRUG  
(1-866-252-3784)**

(SAMPLE NOT - TO -SCALE)

# TOBACCO SALES COMPLIANCE MODEL

## Checking ID's

- Ask for a photo ID of anyone who attempts to purchase tobacco products
- Determine if the customer is old enough, use the "Drop 20, Add 2" formula
- Refuse to sell to anyone under 18

## Person Who May Be Buying For Someone Else

- A person under 18 is not allowed to purchase tobacco products for someone else. "NO MATTER THE EXCUSE"
- Refuse to sell to anyone 18 or older who you suspect (by their actions or words) may be buying for someone under 18

## Tobacco Products Include Anything Made With Tobacco

- Cigarettes
- Cigarette Tobacco
- Loose Leaf Chewing Tobacco
- Twist Tobacco Dry Snuff
- Plug Chewing Tobacco
- Moist Snuff
- Cigars
- Little Cigars
- Pipe tobacco
- Bidi Cigarettes

## Promotions

- Do not sell or distribute single cigarettes or packs with fewer than 20 cigarettes
- Do not honor coupons for free samples or coupons for free tobacco products to anyone under the age of 18

## Store Environment

- Display the official Rhode Island warning notices at all points of sale (CASH REGISTERS & VENDING MACHINES).
- Make all tobacco sales vendor assisted
- Vending machines must be in the direct line of sight of a clerk and equipped with a locking device which can only be unlocked by an authorized employee of the establishment

# RHODE ISLAND YOUTH ACCESS LAW

## TITLE 11, Criminal Offenses; CHAPTER 11-9, Children

### SECTION 11-9-13

#### 11-9-13 Purchase, sale, or delivery of tobacco products to persons under eighteen – Posting notice of law.

No person under eighteen (18) years of age shall purchase nor shall any other person sell, give, or deliver to any person under eighteen (18) years of age, any tobacco in the form of cigarettes, bidi cigarettes, cigars, pipe tobacco, chewing tobacco, 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 conspicuously in that place of business a notice of this law in letters at least three-eighths of an inch ( 3/8") high.

#### SECTION 11-9-13.1

##### 11-9-13.1 Cigarette and tobacco vending machines.

(a) No cigarettes nor any other tobacco product shall be sold from any device or vending machine which is in 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 products 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 which will not allow the device or vending machine to dispense a pack of cigarettes, or any other tobacco 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 on the premises where it is located. "Direct line of sight" means that the vending machine and the purchaser of cigarettes 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 which limits access to persons over the age of twenty one (21) years.

(b) No cigarettes or any other tobacco product shall be sold from

any device or vending machine from which non-tobacco products are sold.

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

(d) Any person, firm, or corporation who owns a business occupying the premises in which a device or vending machine which dispenses cigarettes or any other tobacco product is located who 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 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 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.

(f) One-half (1/2) of all 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.

#### SECTION 11-9-13.2

**11-9-13.2 Short title** – 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".



### **SECTION 11-9-13.3**

#### **11-9-13.3 Legislative intent – Purpose.**

- (a) The use of tobacco by Rhode Island children 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.

### **SECTION 11-9-13.4**

#### **11-9-13.4 Definitions.**

As used in 11-9-13.1 - 11-9-13.19:

- (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 "mental health, retardation and hospitals" means the state of Rhode Island mental health, retardation 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".
- (7) "License holder" is synonymous with the term "retail tobacco products dealer."
- (8) "Person" means any individual person, firm, association, or corporation licensed as a retail dealer to sell tobacco products within this state.
- (9) "Retail tobacco products dealer" means the holder of a license to sell tobacco products at retail.
- (10) "Retail tobacco products dealer license" means a license to sell tobacco products 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, which 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 under the age of eighteen (18) years of age.

### **SECTION 11-9-13.5**

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

- (a) The Rhode Island department of mental health, retardation and hospitals, shall develop, monitor and aggressively enforce health rules and regulations pertaining to stopping the illegal sale of tobacco products to children.

### SECTION 11-9-13.6

#### 11-9-13.6 Duties of the department of mental health, retardation and hospitals.

The department of mental health, retardation and hospitals shall:

- (1) Coordinate and promote the enforcement of the provisions of 11-9-13.1 – 11-9-13.19 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.
- (2) Provide retail tobacco products dealers with signs concerning the prohibition of sales to children under eighteen (18) years of age. These signs shall conform to the requirements of 11-9-13.1 – 11-9-13.19, shall be sold at cost. This sign, or an exact duplicate of it made privately, shall be displayed in all locations where tobacco products are sold.
- (3) Investigate concurrently with other state and local officials violations of 11-9-13.1 – 11-9-13.19.
- (4) Utilize unannounced statewide compliance checks of tobacco product sales including retail tobacco over-the-counter sales, mail order sales initiated via mail, facsimile, telephone, or internet ordering or other types of electronic communications, and tobacco vending machine sales as part of investigating compliance with the provisions of this chapter. Underage individuals, acting as agents for the department of mental health, retardation and hospitals and with the written permission of a parent or guardian, may purchase, with impunity from prosecution, tobacco products for the purposes of law enforcement or government research involving monitoring compliance with 11-9-13.1 – 11-9-13.19, 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 mental health, retardation 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 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 mental health, retardation 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 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 11-9-13.1-11-9-13.19.
- (6) Develop and disseminate community health education information and materials relating to 11-9-13.1 – 11-9-13.19.

### SECTION 11-9-13.7

#### 11-9-13.7 Signs concerning sales to individuals under age eighteen (18)

Signs provided by the department of mental health, retardation and hospitals, or an exact duplicate of them 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:

**THE SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 IS AGAINST RHODE ISLAND LAW (Section 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 mental health, retardation 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 mental health, retardation and hospitals.

- (3) Be displayed prominently for public view at each cash register, each tobacco vending machine, or any other place from which tobacco products are sold.

#### **SECTION 11-9-13.8**

**11-9-13.8 Prohibitions applicable to license holders and their employees and agents.**— A person that holds a license issued under chapter 20 of title 44, or an employee or agent of that person, is prohibited from selling, distributing, or delivering a tobacco product:

- (1) To any individual who is under eighteen (18) 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."

#### **SECTION 11-9-13.9**

**11-9-13.9 Multiple citations prohibited.**

No person shall be liable under 11-9-13.1 - 11-9-13.19 for more than one (1) citation on any one (1) day. However, a single citation may list one (1) or more violations of this chapter.

#### **SECTION 11-9-13.10**

**11-9-13.10 Prohibition on the distribution of free tobacco products.**

The distribution of free tobacco products, or coupons or vouchers redeemable for free tobacco products, to any person under eighteen (18) years of age shall be prohibited. Further, the distribution of free tobacco products or coupons or vouchers redeemable for free tobacco products shall be prohibited, regardless of the age of the person to whom the products, coupons, or vouchers are distributed, within five hundred (500) feet of any school. The attorney general shall bring an action for any violation of this section. Every separate free tobacco product or coupon or voucher redeemable for a free tobacco 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 coupons or vouchers redeemable for tobacco products.

#### **SECTION 11-9-13.11**

**11-9-13.11 Prohibition on the sale or distribution of tobacco products through the mail to children under eighteen (18).** Proof of age of purchaser required.

General Rule

- (a) The distribution, or sale or conveyance of tobacco products to children under the age of eighteen (18) 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 cigarettes, cigars, pipe tobacco, chewing tobacco, or snuff 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 (18) 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 or sale of a tobacco product to a child under eighteen (18) 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 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 of a tobacco product to a child under eighteen (18) 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.

#### **SECTION 11-9-13.12**

##### **11-9-13.12 Enforcement and penalties – Citation for violation.**

- (a) Any local or state of Rhode Island police department or the attorney general, their officers or agents, shall issue a citation for any violation of the requirements or prohibitions of 11-9-13.1 -11-9-13.19.
- (b) The license holder receiving the citation may elect to plead guilty to the violation(s) and pay the fine(s) through the mail within ten (10) days, or appear in court to answer to the citation.
- (c) All recipients of third and subsequent citations within any thirty-six (36) month period shall appear in court for a hearing on the citation.
- (d) The failure of a license holder to either pay the citation through the mail within ten (10) days, where permitted under this section, or to appear in court on the date specified shall be cause for the court to hold the license holder in contempt of court with the penalty assessed a suspension of license for six (6) months and a five hundred dollars (\$500) fine.
- (e) The court shall impose court costs and any other court fee(s) on anyone convicted in court of a violation of this section.

#### **SECTION 11-9-13.13**

##### **11-9-13.13 Nature and size of penalties.**

- (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 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 that violates the prohibition of 11-9-13.8 (1) and/or (2) 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 (36) month period;
  - (2) A fine of five hundred dollars (\$500) for the second violation within any thirty-six (36) month period;
  - (3) A fine of one thousand dollars (\$1,000) and a fourteen (14) day suspension of the license to sell tobacco products for the third violation within any thirty-six (36) month period;
  - (4) A fine of one thousand five hundred dollars (\$1,500) and a ninety (90) day suspension of the license to sell tobacco products for each violation in excess of three (3).
- (c) Any person that violates a prohibition of 11-9-13.8(3), sale of single cigarettes; 11-9-13.8 regarding factory-wrapped packs; shall be subject to a penalty of five hundred (\$500) for each violation.
- (d) The department of taxation 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 those revocations or suspensions are in effect.
- (e) The court may suspend the imposition of a license suspension of the license secured from the Rhode Island tax administrator for violation of subdivisions (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 to minors and the license holder can demonstrate to the court that those measures have been taken and that employees have received training. The measures to prevent the sale of tobacco to minors shall be defined by the Department of Mental Health, Retardation and Hospitals in rules and regulations.

**SECTION 11-9-13.14**

**11-9-13.14 Notification to the Department of Taxation of fines imposed**— The court shall maintain records of any penalty, fine or suspension imposed under this chapter and notify within sixty (60) day the tax administrator of the penalty, fine, or suspension imposed.

**SECTION 11-9-13.15**

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

- (a) Any individual or business who violates this chapter by selling or conveying a tobacco 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 five hundred dollar (\$500) bond with the 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 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.

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 other court fees.

**SECTION 11-9-13.16**

**11-9-13.16 Rules and regulations** – The Department of Mental Health, Retardation and Hospitals shall promulgate the rules and regulations necessary to fulfill the intent of 11-9-13.2 - 11-9-13.19.

**SECTION 11-9-13.17**

**11-9-13.17 Fines collected**

- (a) One-half (1/2) of all the fines collected pursuant to 11-9-13.2 - 11-9-13.19 shall be transferred to the municipalities in which the citation originated.
- (b) One-half (1/2) of all the fines collected pursuant to 11-9-13.2 - 11-9-13.19. shall be transferred to the general fund.

**SECTION 11-9-13.18**

**11-9-13.18 Prohibition on the sale or distribution of certain excise tax stamps** – The division of taxation shall not sell or distribute cigarette excise tax stamps, or permit the use of a metering machine as described in 44-20-20, for any cigarette product packaged with fewer than twenty (20) cigarettes per package. The sale or distribution of cigarettes in packages of fewer than twenty (20) is prohibited.

**SECTION 11-9-13.19**

**11-9-13.19 Severability** – If any provision of this chapter or the application of it to any individual or circumstances is held invalid in a court test, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

**SECTION 11-9-14**

**11-9-14 Use of tobacco by minors** - No person under eighteen (18) years of age shall smoke or chew or possess when such possession is clearly visible tobacco in any public street, place, or resort, any tobacco in any form whatsoever. Any person under eighteen (18) years of age violating the provisions of this section shall be fined not more than five dollars (\$5.00) for each offense.