

Fast Facts for Law Enforcement

Tobacco 21



Federal & State Law

In 2019, the federal government raised the legal minimum sales age of commercial tobacco products from 18 to 21 nationwide. Shortly after, the state of Minnesota passed their own Tobacco 21 law, which:

- Increased the minimum legal sales age from 18-21 (**[Minn. Stat. § 609.685](#) and [§ 609.6855](#))**
- Removed penalties for underage possession, use, and purchase of commercial tobacco products
- Increased fines for retailers (see reverse for fine amounts) (**[Minn. Stat. § 461.12](#)**)

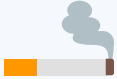
Licensing authorities are still required to complete unannounced compliance checks.¹

[Minn. Stat. § 461.12](#)





What You Need to Know About Tobacco 21



Definition of commercial tobacco

Commercial tobacco products include tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery devices.² ([Minn. Stat. § 609.685](#))

It does not include the sacred and traditional use of tobacco by indigenous people.



A list of programs for youth as alternatives to penalties is available at:

www.ansrmn.org/issues-resources/tobacco-21



Underage possession, use, and purchase

State law no longer includes penalties for people under 21 who possess, use, or purchase tobacco products.

Through Minnesota's Clean Indoor Air Act, any individual found smoking or vaping in an indoor area defined by the law may still be subject to a citation.

Schools should follow their commercial tobacco-free policy to address underage use on school property.³



Compliance checks

Tobacco licensing authorities are required to annually complete one unannounced compliance check on each tobacco retailer they license. ([Minn. Stat. § 461.12](#))

Compliance checks should be done with 17-20 year olds.

Minimum penalties for retailers:

1st violation: \$300

2nd violation: \$600

3rd and subsequent violations: \$1,000, 7 day suspension, & potential revocation of license

1. Tobacco 21 and Other Statutory Changes FAQ: www.publichealthlawcenter.org/sites/default/files/resources/MN-Tobacco-21-FAQ.pdf

2. Full definitions in Minn. Stat. § 609.685: <https://www.revisor.mn.gov/statutes/cite/609.685>

3. K-12 School Model Policy: <https://www.publichealthlawcenter.org/sites/default/files/resources/Commercial-Tobacco-Free-K-12-School-Model-Policy-Q-and-A-2019.pdf>