

Together we can stop kids from buying tobacco.

- Minors who violate the tobacco law can be fined up to \$250 and required to attend a tobacco awareness program or participate in a tobacco-related community service. Parents of a minor convicted of a violation may be required to attend the tobacco awareness program with their child.
- A minor's drivers license can be suspended or denied if the minor is convicted of a violation of the tobacco law and does not attend a tobacco awareness program or perform tobacco-related community service.



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Working Together for a Solution

We all care about the health and welfare of Texas children.

With your cooperation, we can make tobacco laws work for Texas. Talk to your children about the dangers of tobacco use. Discuss the law with your friends and neighbors.

We're Here to Help!

To report violations of these tobacco laws or request more information, contact us toll-free at **(800) 345-8647**.

For information about tobacco tax permits, call toll-free **(800) 862-2260**. In Austin, call 463-1693.

Tax Help e-mail: **tax.help@cpa.state.tx.us**.

Texas Comptroller of Public Accounts
Publication #96-541 • Revised June 2007.

For additional copies of this publication contact us at (800) 252-1389.

If you have any questions regarding Texas cigarette and tobacco products laws, please contact the Comptroller's office via e-mail at tax.help@cpa.state.tx.us or call us toll-free at (800) 862-2260, or direct in Austin at (512) 463-1693.

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BUYING OR SELLING
TOBACCO PRODUCTS TO MINORS

Under
18
Buying
or
Selling
No Tobacco



SUSAN COMBS
Texas Comptroller of Public Accounts

Under 18 Buying Selling No Tobacco

Retailers and Employees

Texas law sets out stringent rules for buying and selling tobacco products at the retail level. Violation of any of the following laws is a Class C misdemeanor. Additionally, retailers can be fined up to \$1,000 or have their cigarette or tobacco products permits suspended. Permits can be revoked if retailers commit multiple offenses.

- Retailers and their employees cannot sell or give tobacco products or coupons for tobacco products to anyone under 18.
- Free samples of tobacco products cannot be given to anyone under the age of 18.
- Retailers must notify their employees of the consequences of violating the law within 72

hours of when the employee begins selling tobacco products. As proof that notice was given, employees must sign a statement affirming the law has been fully explained, they understand the law and agree to comply with the law. Retailers must have a signed statement for each employee, showing the employee's name, current address, Social Security number and signature date. Retailers must keep the signed statement for 60 days after the individual leaves employment and must present the form to law enforcement officers and state officials on demand.

- Retailers must conspicuously display warning signs to employees and customers about the tobacco law and the penalties for violations of the law. The Comptroller, on request, will provide the warning sign without charge to any person who sells cigarettes or tobacco products.
- In any business open to minors, tobacco vending machines cannot be placed in a manner that allows direct customer access.
- Customers cannot have direct access to cigarettes or other tobacco products. (This provision does not apply to a business that holds a package store permit issued under the Alcoholic Beverage Code or that is not open at any time to people younger than 18, or to that part of a facility or business that is an enclosure designed to store cigars in a climate-controlled environment.)

In addition to these Class C misdemeanors, other Texas laws also affect the buying and selling of cigarettes and other tobacco products.

- Cigarettes cannot be sold in packages containing fewer than 20 cigarettes; the fine for this violation is \$100.
- Retailers and their employees must ask for identification from all customers under the age of 27 who try to buy cigarettes or tobacco products.
- Retailers are responsible for training and supervising employees regarding the tobacco laws.
- To ensure compliance with the law, retailers are subject to random inspection by state and local law enforcement officials.

Minors and Parents

Texas law also applies to minors and their parents.

- Minors cannot buy, use or possess tobacco. The only exceptions are that a minor may possess tobacco in the presence of an adult parent, guardian or spouse, or in the presence of an employer if possession of the product is required in the performance of his or her duties as an employee.