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Rhode Island Grade Card

Population Covered: 1,059,000
Tobacco 21 Since: July 7, 2021

TOBACCO
~~eighteen~~ twenty-one

The Preventing Tobacco Addiction Foundation evaluated all current statewide Tobacco 21 laws for their alignment with best practices that lead to effective prevention of youth initiation of tobacco and nicotine products.

S. 263/H. 5571 revised the code language to impose penalties only on the license holder/retailer, thus removing penalties to store clerks and putting the onus on the retailer for underage sales violations. The bill includes a strong penalty schedule with suspension incorporated, but the monetary fines are lagging. The new legislation granted authority to judges to follow through with license suspensions regardless of efforts by retailers to re-educate employees which was previously used to avoid license suspension. Although this legislation has made several excellent changes to current code, the lack of mandated compliance checks keeps Rhode Island's Tobacco 21 law at a C.

ENFORCEMENT — GRADE: C

Designated Enforcement Agency
Best Practice: Health Department or Designated Agency
Rhode Island Enforcement: The Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals is the designated enforcement agency

Age Verification
Best Practice: Before distributing any tobacco product, the tobacco retailer or the tobacco retailer's agent or employee shall verify that the purchaser is at least 21 years of age. Each tobacco retailer or tobacco retailer's agent or employee shall examine the purchaser's government-issued photographic identification if the purchaser appears to be under 30 years of age.
Rhode Island Enforcement: Proof of ID is required for all purchases of tobacco products

Who is the Penalty Placed on?
Best Practice: The primary burden for sales to underage purchasers should fall on the retailer who is profiting from the sales of the product and not the purchaser or non-management employee.
Rhode Island Enforcement: The penalty is placed on the retailer

Number of Compliance Checks
Best Practice: Provide authority for the state, county, or municipality to inspect tobacco retailers for compliance with MLSA 21 and a mandated minimum number of annual compliance checks. Model recommends two per year for every tobacco retail establishment.
Rhode Island Enforcement: Rhode Island's law does not specify number of compliance checks that must be conducted

Compliance Checks Done With Underage Decoys Aged 18-20
Best Practice: The designated agency shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter the tobacco retail establishment to attempt to purchase tobacco products.
Rhode Island Enforcement: Age of decoy not specified

LICENSING — GRADE: C

Statewide Tobacco Retail License
Best Practice: A comprehensive tobacco retail license allows states and municipalities to regulate all tobacco retailers, fund enforcement programs, and create a penalty structure that suspends or revokes a license for retailers that continue to violate a MLSA 21 law.
Rhode Island Licensing: Rhode Island has multiple licenses that cover all products

Tobacco Retail License Program Funds Enforcement
Best Practice: The fee for a tobacco retail sales license shall be set and used to cover the administrative cost for licensing administration, education and training, retail inspections, and unannounced compliance checks. The

tobacco retail sales license fee should not exceed the cost of the regulatory program authorized beyond the statute/ordinance.
Rhode Island: Rhode Island's Tobacco Retail License is only $25 which only partially funds an enforcement program

Tobacco Retail License Fee
Best Practice: An effective licensing system requires tobacco retailers to pay an annual license fee and allows it to be periodically adjusted. Fee must be adequate to cover License administration, education/training, and enforcement. An annual fee of lower than $300 is generally inadequate to fund a licensing program.
Rhode Island Licensing: Rhode Island's Tobacco Retail License renews annually, but is only $25 which inadequate to fully fund an enforcement program

PENALTIES GRADE: **A**

Penalty Type
Best Practice: Establish a civil penalty structure for violations rather than a criminal penalty structure.
Rhode Island Penalties: Rhode Island has a civil penalty structure

Violation Accrual Period
Best Practice: 36 months
Rhode Island Penalties: Rhode Island has a 36-month violation accrual period

Monetary Penalty and Suspension Structure
Best Practice: 1st violation = $500
2nd violation = $750 and (7) day suspension
3rd violation = $1,000 and (30) day suspension
4th violation = $1000 and (3) year suspension
Rhode Island Penalties: 1st violation = $250 fine
2nd violation = $500 fine
3rd violation = $1,000 fine and a fourteen-day (14) suspension of the license to sell tobacco products
4th violation = $1,500 fine and a ninety-day (90) suspension of the license to sell tobacco products
The Tobacco 21 legislation grants authority to judges to follow through with license suspensions regardless of efforts by retailers to re-educate employees – a previous way to avoid suspension

Does the Law Penalize Youth for Purchase, Use or Possession
Best Practice: An evidence-based, best practices tobacco MLSA 21 policy should focus penalties on the tobacco retailer who profits from the illegal sale rather than the youth who is likely addicted to the product. PUP laws may be unlikely to reduce youth smoking significantly.
Rhode Island Penalties: Rhode Island's law repealed youth penalties for purchase, use, and possession (PUP) of tobacco products

PREEMPTION GRADE: **C**

Does Preemption exist, was it added, or expanded
Best Practice: Local governments have a critical role in reducing the deadly toll of tobacco by regulating sales and restricting youth access to these products to prevent use and addiction. Tobacco 21 legislation should not introduce new tobacco control preemption, nor expand existing tobacco control preemption, and instead should be used as an opportunity to assert local authority or repeal existing tobacco control preemption.
Rhode Island Preemption: Rhode Island has existing preemption

DEFINITIONS GRADE: **A**

Definitions
Best Practice: A comprehensive definition will cover all current, known tobacco and nicotine products, which include not only cigarettes, cigars, and smokeless tobacco, but also products like pipes, rolling papers, electronic smoking devices, and other related devices. A strong definition will also be broad enough to capture future products.
Rhode Island Definitions: Rhode Island's Tobacco 21 law includes comprehensive definitions