

20 states (www.lungusa2.org) have laws restricting self-service of all tobacco products. This number is also validated by this report (see page 4):

<http://www.publichealthlawcenter.org/sites/default/files/resources/WaU-guide-Aspire-POS-policy-report-2015.pdf>

Twenty states restrict self-service displays of tobacco products, except in tobacco stores and/or retail locations that prohibit minors:

1. **Alabama:** No tobacco or tobacco product shall be distributed at retail through a self-service display as defined in Alabama Code section 28-11-2 unless such display is a vending machine as permitted under existing law or is located in a tobacco specialty store, which must derive at least 75 percent of its revenue from tobacco or tobacco products. Violation by an Alabama Alcoholic Beverage Control Board permit holder is subject to the same penalties as for selling or distributing tobacco products to minors. ALA. CODE Â§Â§ 28-11-6.2 (2009) & 28-11-9 (1997).
2. **California:** It is unlawful for any person engaged in the retail sale of tobacco products or tobacco paraphernalia to sell, offer for sale, or display for sale, tobacco products or tobacco paraphernalia by self-service display. This shall not apply to the display in a tobacco store of cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco, provided that in the case of cigars they are generally not sold or offered for sale in a sealed package of the manufacturer containing less than six cigars. Violators are subject to the same civil penalties assessed for selling or distributing tobacco products to minors. CA BUS. & PROF. CODE Â§ 22962 (2007).
3. **Delaware:** It shall be unlawful for any person who owns, operates, or manages a business establishment where tobacco products or tobacco substitutes are offered for sale over the counter at retail to maintain such products in any display accessible to customers that is not under the control of a cashier or other employee. This prohibition shall not apply to business establishments to which persons under the age of 18 are not admitted, unless accompanied by an adult; tobacco product/tobacco substitute vending machines as permitted under existing law; or to tobacco stores. 'Under the control' means customers cannot readily access the tobacco products/tobacco substitutes without the assistance of a cashier or other employee. A display that holds these products behind locked doors shall be construed as under the control of a cashier or other employee. Violators are subject to the same penalties as for selling or distributing tobacco products/tobacco substitutes to minors. DEL. CODE ANN. tit. 11, Â§Â§ 1115 (2014) 1119(c) (2014) & 1121 (1996).
4. **Idaho:** Customers are not allowed access to tobacco products or electronic cigarettes except through the assistance of the seller. It is also unlawful to sell or distribute tobacco products or electronic cigarettes from self-service displays. Stores with tobacco products comprising at least 75 percent of total merchandise are exempt from requiring vendor assisted sales, if minors are not allowed in the store and such prohibition is posted clearly on all entrance doors. Tobacco product permittees are subject to the same penalties listed under the 'Penalties for Sales to Minors' section upon violation except a permittee shall be fined \$200 for a second violation and notified in writing of penalties for further violations. IDAHO CODE Â§Â§ 39-5706 & 39-5708 (2012).
5. **Indiana:** The owner of a retail establishment that sells or distributes tobacco or an electronic cigarette through a self-service display, other than a coin operated machine, commits a Class C infraction. As used in this section, 'self-service display' means a display that contains tobacco or

electronic cigarettes in an area where a customer is permitted and has access to the tobacco or electronic cigarettes without assistance from a sales person. This does not apply to a self-service display in a retail establishment that has a primary purpose to sell tobacco or electronic cigarettes and prohibits entry by persons less than 18 years of age. IND. CODE Â§ 35-46-1-11.8 (2013).

6. **Iowa:** Except through vending machines as specified below, retailers are prohibited from selling cigarettes, tobacco, tobacco products, alternative nicotine products or vapor products through the use of a self-service display. Violation is grounds for revocation of the retailer's permit. IOWA CODE Â§ 453A.36A (2014).
7. **Kansas:** It shall be unlawful to sell cigarettes, electronic cigarettes or tobacco products by means of a self-service display in any establishment, except in vending machines as specified and a self-service display that is located in a tobacco specialty store defined as a dealer establishment that derives at least 75 percent of revenue from cigarettes or tobacco products. 'Self-service display' means a display that contains cigarettes or tobacco products and is located in an area openly accessible to a retail dealer's consumers, and from which such consumers can readily access cigarettes or tobacco products without the assistance of a salesperson. A display case that holds cigarettes or tobacco products behind locked doors does not constitute a self-service display. KAN. STAT. ANN. Â§ 79-3321(u) (2012).
8. **Louisiana:** The sale or delivery of tobacco products, alternative nicotine products or vapor products through a self-service display is prohibited unless the machine is a vending machine that complies with applicable state law. Self-service display means any display that contains the above products and is located in an area openly accessible to the retail dealer's customers and from which such customers can readily access such products without the assistance of a salesperson, excluding locked display cases. These provisions do not apply to retail tobacco businesses or tobacconists at a particular outlet as defined. LA REV. STAT. ANN. Â§ 26:910.1 (2014).
9. **Maine:** Tobacco products may be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. This law does not apply to multi-unit packages of 10 or more units, tobacco specialty stores or in locations where minors are prohibited. ME REV STAT. ANN. tit. 22, Â§ 1555-B (11) (1999).
10. **Massachusetts:** It shall be an unfair or deceptive act or practice for any person who sells or distributes cigarettes, smokeless tobacco products, cigars or little cigars through a retail outlet located within Massachusetts to engage in the use of self-service displays of cigarettes or smokeless tobacco products or fail to place cigarettes and smokeless tobacco products out of the reach of all consumers, in a location accessible only to outlet personnel. Self-service displays are allowed if located within adult-only retail facilities. Violation is subject to a civil penalty of not more than \$5,000 plus costs of investigation and litigation, including attorney's fees. MASS. GEN. LAWS ch. 93A, Â§Â§ 2 & 4 & CODE OF MASS. REGS. Tit. 940, Â§Â§ 21.04 & 22.06 (2000). <http://www.mass.gov/ago/news-and-updates/press-releases/2015/2015-09-14-final-e-cigarette-regulations.html>
11. **Minnesota:** No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices or nicotine or lobelia delivery products in open displays which are accessible to the

public without the intervention of a store employee. This does not apply to retail stores that derive 90 percent of their revenue from tobacco and tobacco-related devices and where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time. Violation is subject to an administrative penalty of \$75 for a first violation, \$200 for a second violation within 24 months and \$250 for a third violation within 24 months. Upon the third violation, the license to sell tobacco products must also be suspended for not less than seven days. MINN. STAT. Â§ 461.18(1) & 461.12(2) (2014).

12. **Nebraska:** shall be unlawful to sell or distribute cigarettes, cigars, vapor products, alternative nicotine products, or tobacco in any form through a self-service display. Self-service display means a retail display that contains these products and is located in an area openly accessible to a retailer's customers and from which such customers can readily access the product without the assistance of a salesperson. Self-service display does not include a display case that holds tobacco products, vapor products, or alternative nicotine products behind locked doors. Violation is a Class III misdemeanor, and after the second or subsequent offense in a 12-month period, the court shall order a six-month suspension of retailer's license to sell tobacco products. NEB. REV. STAT. Â§ 28-1429.03 (2014).
13. **New Mexico:** A person shall not sell tobacco products at a retail location in New Mexico by any means other than a direct, face-to-face exchange between the customer and the seller or the seller's employee; and a person selling goods at a retail location in New Mexico shall not use a self-service display for tobacco products. 'Self-service display' means a display to which the public has access without the assistance of the seller or the seller's employee. Violation is a misdemeanor subject to imprisonment for less than a year and/or not more than a \$1,000 fine. N.M. STAT. ANN. Â§Â§ 30-49-7(A) (2003) & 30-49-12 (1993).
14. **New York:** No person operating a place of business wherein tobacco products, herbal cigarettes, liquid nicotine, electronic cigarettes or shisha are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any of these products in any manner, unless such products are stored for sale behind a counter in an area accessible only to the personnel of such business, or in a locked container; however, such restriction shall not apply to tobacco businesses as defined and to places to which admission is restricted to persons 18 years of age or older. Violation is subject to a civil penalty of \$300, but not to exceed \$1,000 for the first violation; and a minimum of \$500, but not to exceed \$1,500 for each subsequent violation. N.Y. [PUB. HEALTH] LAW Â§ 1399-cc(7) (2013).
15. **Oklahoma:** It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the product without assistance from the person displaying the product or an employee or the owner of the store. These provisions shall not apply to retail stores which do not admit into the store persons under 18 years of age. Violation is subject to an administrative fine of not more than \$200 for each violation. OKLA. STAT. ANN. tit. 37 Â§ 600.10A (2014).
16. **Oregon:** A person having authority over the location of cigarettes and other tobacco products in a retail store may not locate cigarettes or other tobacco products in a location in the store where the cigarettes or other tobacco products are accessible by store customers without assistance by a store employee. This does not apply if the location at which the cigarettes or tobacco products are sold is a store or other establishment at which persons under 18 years of

age are prohibited. Violation is a Class B violation. Each day of violation constitutes a separate offense. OR. REV. STAT. ANN. Â§ 167.407 (2005).

17. **Texas:** A retailer or other person may not offer cigarettes or tobacco products for sale in a manner that permits a customer direct access to cigarettes or tobacco products. This does not apply to a facility or business that is not open to persons younger than 18 years of age at any time, that part of a facility or business that is a humidor or other enclosure designed to store cigars in a climate-controlled environment or a premises for which a person holds a package store permit issued under the Alcoholic Beverage Code. Violation is a Class C misdemeanor. TX HEALTH & SAFETY CODE ANN. Â§ 161.086 (1999).
18. **Utah:** A retailer may sell cigarettes, electronic cigarettes, cigars, cigarette tobacco, pipe tobacco and smokeless tobacco only in a direct, face-to-face exchange between the employee of the retailer and the purchaser, including through self-service displays, except those located in a separate and defined area within a facility where the retailer ensures that no person younger than 19 years of age is present, or permitted to enter, at any time, unless accompanied by a parent or legal guardian. Use or display of locked cabinets containing cigarettes, cigars, cigarette tobacco, pipe tobacco, or smokeless tobacco in a store are allowed if the locked cabinets are only accessible to the retailer or their employees. Sales by a retailer from a retail store which derives at least 80 percent of its revenue from tobacco and tobacco-related products and where the retailer ensures that no person younger than 19 years of age is present, or permitted to enter at any time, unless accompanied by a parent or legal guardian are also allowed. A first offense is a Class C misdemeanor; a second offense is a Class B misdemeanor; and a third and all subsequent offenses are a Class A misdemeanor. UTAH CODE ANN. Â§ 76-10-105.1 (2010).
19. **Vermont:** No person holding a tobacco license shall display or store tobacco products or tobacco substitutes (e-cigarettes and related products) where those products are accessible to consumers without direct assistance by the sales personnel. This does not apply to displays of tobacco products in stores where minors are not permitted; unopened cigarette cartons and smokeless tobacco in unopened multi-pack containers of 10 or more packages as long as the removal of cartons or multi-packs from the display can be observed by a store employee; and cigars or pipe tobacco stored in a humidor as long as the removal of these products from the humidor can be observed by a store employee. A person, partnership, association or corporation, who willfully violates this requirement, is subject to a fine of \$50 to \$200 and/or imprisonment for one to three months. VT STAT. ANN. tit. 7, Â§Â§ 667(b) (1992) & 1003(d) (2012).
20. **Wyoming:** No person shall sell or offer tobacco products through a self-service display except in a business where entry by persons under 18 is prohibited. 'Self service display' means any display of tobacco products that is located in an area where customers are permitted and where the tobacco products are readily accessible to a customer without the assistance of a salesperson. Violation is a misdemeanor, subject to the same penalties as selling or distributing tobacco products to minors, including possible license suspension. Each day of continued violation is a separate offense. WYO. STAT. ANN. Â§Â§ 14-3-301 & 14-3-303 (2007).