

438.328 Delivery or shipment of tobacco products, alternative nicotine products, or vapor products -- Restrictions -- Required label and signature of recipient -- Age verification -- Definitions for section -- Exceptions -- Penalties.

- (1) As used in this section:
 - (a) "Pipe tobacco" means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to or purchased by consumers as tobacco to be smoked in a pipe; and
 - (b) "Premium cigar" means a cigar that:
 1. Is wrapped in whole leaf tobacco;
 2. Contains a one hundred percent (100%) leaf tobacco binder;
 3. Is made by manually combining the wrapper, filler, and binder;
 4. Has no filter, tip, or nontobacco mouthpiece and is capped by hand; and
 5. Weighs more than six (6) pounds per one thousand (1,000) units.
- (2)
 - (a) A retailer shall notify a consumer placing an order for any tobacco products, alternative nicotine products, or vapor products that the shipment or delivery shall not be completed unless the recipient of the shipment or delivery provides a valid identification document at the time of the shipment or delivery verifying that the recipient is at least twenty-one (21) years of age.
 - (b) For purposes of this subsection, tobacco products shall not include premium cigars or pipe tobacco.
 - (c) All tobacco product, alternative nicotine product, or vapor product containers shipped or delivered to a consumer shall be conspicuously labeled with the words: "CONTAINS TOBACCO OR NICOTINE PRODUCTS."
- (3) At the time of delivery, the recipient of the shipment or delivery shall present to the individual delivering the package a valid identification document. Prior to transferring possession of the package, the individual delivering the package shall visually inspect the document and verify the identity of the recipient and, by visual examination or by using age verification technology, that the recipient is at least twenty-one (21) years of age.
- (4) Before transferring possession of the package, the individual delivering the package shall obtain the signature of the recipient of the shipment or delivery. The individual who receives and signs for the tobacco products, alternative nicotine products, or vapor products is not required to be the consumer who purchased the tobacco products, alternative nicotine products, or vapor products.
- (5) A retailer or common or private carrier that fails to comply with this section shall:
 - (a) For the first offense, be guilty of a violation punishable by a fine of five hundred dollars (\$500); and
 - (b) For each subsequent offense, be guilty of a violation punishable by a fine of one thousand dollars (\$1,000).
- (6) A consumer who intentionally causes an unlawful shipment or delivery under this section shall:
 - (a) For the first offense, be guilty of a violation punishable by a fine of two

hundred fifty dollars (\$250); and

- (b) For each subsequent offense, be guilty of a violation punishable by a fine of five hundred dollars (\$500).

The retailer and the common or private carrier shall not be liable for a violation of this subsection.

- (7) If a common or private carrier is unable to complete delivery under this section, the tobacco products, alternative nicotine products, or vapor products shall be returned to the retailer.
- (8) For purposes of this section, tobacco products shall not include premium cigars or pipe tobacco.
- (9) This section shall not be construed to authorize any person under twenty-one (21) years of age to order, purchase, receive, or use tobacco products.

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