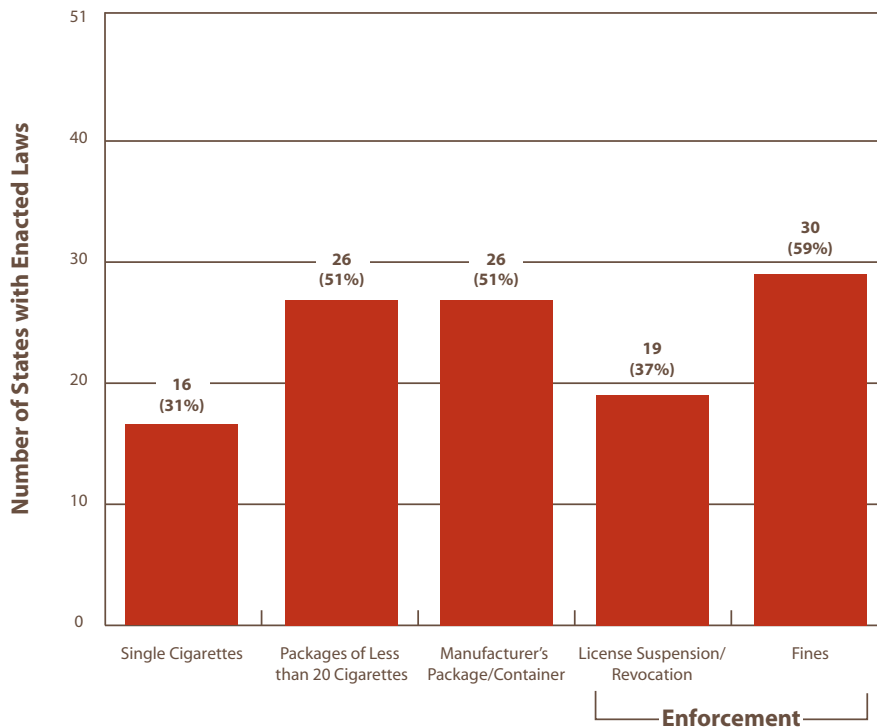




Out-of-Package Sales of Cigarettes

States with Laws Related to Out-of-Package Sales of Cigarettes

(Enacted as of June 30, 2009)



Out-of-package sales refer to the sale of cigarettes in non standard packaging or units. Laws affecting out-of-package sales prohibit the sale of single cigarettes, the sale of cigarettes in anything other than manufacturers' packages, and/or the sale of packages containing fewer than 20 cigarettes. Out-of-package sales may contribute to high rates of cigarette usage and low rates of smoking cessation in low-income¹ and urban² neighborhoods.

As of June 30, 2009, 26 states had enacted out-of-package sales laws prohibiting sales of cigarettes in packaging other than manufacturers' packs. Twenty-six states also prohibit the sale of cigarettes in packages of fewer than 20 cigarettes, while 16 states prohibit sales of individual cigarettes. While most states addressing cigarette packaging discuss "packs" or "packages," the laws of states such as **Alabama, Alaska, Iowa, and New York** also refer to boxes, cartons, or other containers.

Of the states with laws addressing out-of-package sales, **Alabama, Hawaii, Iowa, Louisiana, Montana, Rhode Island, and West Virginia** each carry laws

prohibiting the sale of cigarettes in other than manufacturers' packs, the sale of cigarettes in packages of fewer than 20 cigarettes, and the sale of single cigarettes. Ten states—**Arkansas, Florida, Georgia, Kansas, Minnesota, Nebraska, North Carolina, South Carolina, Wisconsin, Wyoming**—and the **District of Columbia** do not have laws restricting out-of-package sales.

Violation of states' out-of-package sales laws may result in fines or suspension/revocation of a tobacco retailer's license. Thirty states explicitly detail fines for violations of out-of-package sales laws. In most cases fines are graduated, increasing for repeat offenders. Nineteen states may suspend and/or revoke tobacco retailers' licenses for such violations.

1 Shelly, D., Cantrell, M.J., Moon-Howard, J., Ranjohn, D.Q., Van Devanter, N. The \$5 Man: The Underground Economic Response to a Large Cigarette Tax Increase in New York City. *Am J Public Health*. 2007; 97:1483-1488.

2 Stillman, F.A., Bone, L., Avila-Tang, E., Smith, K., Yancey, N., Street, C., Owings, K. Barriers to Smoking Cessation in Inner-City African-American Young Adults. *Am J Public Health*. 2007; 97:1405-1408.

The SCLD contains information synthesized from state-level laws and resolutions. The SCLD does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; Attorneys General opinions; or data addressing the implementation of state laws — all of which may vary significantly from the laws reported here.

Source: National Cancer Institute: State Cancer Legislative Database Program, Bethesda, MD, 2009

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States with Laws Related to Out-of-Package Sales of Cigarettes
(Enacted as of June 30, 2009)

State	Manufacturer's Package/ Container	Packages Less Than 20	Sale of Single Cigarettes	Enforcement	
				Fines	License Suspension or Revocation
Alabama	●	●	●	●	●
Alaska	●	●			●
Arizona	● ¹	●			
Arkansas					
California	●	●		●	
Colorado		●	●	●	
Connecticut	●	●		●	●
Delaware	●	●		●	●
District of Columbia					
Florida					
Georgia					
Hawaii	●	●	●	●	
Idaho	●			●	●
Illinois	●		●	●	
Indiana	●				
Iowa	●	●	●		●
Kansas					
Kentucky		●		●	
Louisiana	●	●	●	●	●
Maine	●	●		●	●
Maryland		●			●
Massachusetts		●	●	●	●
Michigan			● ²	●	
Minnesota					
Mississippi	●			●	●
Missouri			●	●	●
Montana	●	●	●	●	●
Nebraska					
Nevada	●			●	
New Hampshire	● ³		●	●	●
New Jersey		●	●	●	
New Mexico	●				
New York	●	●		●	
North Carolina					
North Dakota		●			
Ohio		● ⁴			
Oklahoma	●	● ⁵		●	●
Oregon ⁶				●	
Pennsylvania			● ²	●	●
Rhode Island	●	●	●	●	●
South Carolina					
South Dakota	●				
Tennessee	●	●		●	
Texas		●		●	
Utah		●			●
Vermont		●	●	●	
Virginia	●			●	
Washington	●			●	●
West Virginia	●	●	●	●	
Wisconsin					
Wyoming					
TOTALS	26	26	16	30	19

1. In Arizona, retailers are prohibited from selling cigarettes in quantities that are not packaged as such for sale by the cigarette manufacturer.

2. In Michigan and Pennsylvania, tobacco retailers are prohibited from selling a cigarette separately from the package, although in Michigan, persons who sell cigarettes in tobacco specialty stores or in stores that exclusively sell tobacco products may sell cigarettes separately from packages.

3. New Hampshire requires that all tobacco products be sold in "original packaging."

4. In Ohio, selling cigarettes in a smaller quantity than that placed in the manufacturer's package is prohibited.

5. Oklahoma regards the sale of cigarettes in quantities less than an individual package as a misdemeanor.

6. Oregon prohibits the sale of cigarettes in any form other than a "sealed package."