



Frequently Asked Questions on Tobacco Licensing and E-Cigarettes

Q - What is the age minimum age for a person to use tobacco and e-cigarettes in New Hampshire?

A. - As of January 1, 2020 the New Hampshire legislature increased the age of purchase and use of these products to 19. (*See RSA 126-K:6, I*)

Q. - Does this law change only apply to tobacco and e-cigarettes that contain nicotine?

A. - Within the law changes established in 2019, the definition of an e-cigarette was changed to make it unlawful for a person under 19 to possess tobacco or e-cigarettes whether they contain nicotine or not. (*See RSA 126-K 3 II-b*)

Q. - Does it make a difference whether the e-cigarette is an open system or a closed system?

A. - No, it does not make a difference whether the system is open or closed. In 2019 the New Hampshire legislature expanded the definition of a “**device**” (*See RSA 126-K:1, II-a*), an “**e-cigarette**” (*See RSA 126-K: II-b*) and what is an “**e-liquid**” (*See RSA 126-K: II-c*).

Q. - Do these law changes only apply to those under 19 who possession these products?

A. - No, these changes make it unlawful for a person to possess or **sell** (*See RSA 126-K:4*) any **devices** that would be considered an **e-cigarette** whether an open or closed system and which contains an **e-liquid**, whether that liquid contains nicotine or not.

Q. - Do these policy changes apply only to businesses?

A. - No, the New Hampshire legislature also require all New Hampshire schools to establish policies regarding violations of the laws changes (*See RSA 126-K:8 I (b)*). The policy may include, but not be limited to, mandatory education classes on the hazards of using tobacco products, e-cigarettes, or liquid nicotine, and suspensions and other penalties.

LICENSURE

Q. - I am a “Vape Shop” owner and up to now, I have not been regulated by the State of New Hampshire. I understand I now have to get a license from the New Hampshire Liquor Commission. Is that right?

A. - Yes, in 2019 Governor John Sununu signed HB 4 contained a number of changes to the laws on tobacco and e-cigarettes. The newly enacted law states ” No person shall sell tobacco products *or e-cigarettes* to individuals or the public in any method or manner, directly or indirectly, or keep for sale any tobacco products *or e-cigarettes* without first registering to do business with the secretary of state and obtaining a license for such activity under the provisions of this title. (*See RSA 178:1.VI*)

Q. - I own a convenience store, I already hold a license from the Commission to sell alcohol, and I obtained a tobacco license at the same time. Do I need to obtain an additional license if I choose to sell vaping products?

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A. - No, your license to sell tobacco products will cover the addition of vaping products in your store

Q. - How do I start the application process to obtain a license for my Vape Shop?

A. - Your application process is initiated by contacting the New Hampshire Liquor Commission's Division of Enforcement, Licensing and Education. While you may consider your business to be a Vape Shop, New Hampshire law will consider you a retail tobacco licensee.

To begin the application process you may access the preliminary application forms by visiting the Division's website at <https://www.nh.gov/liquor/enforcement/licensing/initial-application.htm>. Note the first step is to determine your business status and then select the appropriate section to learn about the "Four Steps for Licensing" your business as a retail tobacco licensee. (*See RSA 178:3*)

Q. - Do I need to get any special training in order to hold this license?

A. - Yes, The licensee's representative or manager must complete this course within 45 days of obtaining a new retail tobacco license. (*See RSA 178:2*) A certificate of completion will be issued when the tobacco quiz is completed with a passing grade. All employees of a retail tobacco store will benefit from completing this program as it relates to their business. The tobacco program is free of charge and available online only at <https://lms.nh.gov/liquor/portal/>. Contact the Training Unit at (603) 271-8531 for assistance.

Q. - In my past, I was convicted of a crime, which is considered a felony. Does this prevent me from applying for and holding a retail tobacco license as laid out in RSA 178:19-a?

A. - No, New Hampshire laws do not prohibit a convicted felon from holding a retail tobacco license. (*See RSA 178:3*)

Q. - If I hold a license from the Commission to sell alcohol and one of my employees sell tobacco or an e-cigarette to a person under 19 what will happen to my license?

A. - RSA 178:18, III allows the Commission to suspend the tobacco license separately from the alcohol portion of your license. If the Commission were to revoke your license then both your alcohol and tobacco licenses would be revoked.

MORE QUESTIONS?

If you have questions about the interpretation of these statutes beyond what is provided in these answers to frequently asked questions, you are encouraged to contact the Division of Enforcement, Licensing and Education at 603-271-3521 to have your questions answered.