

**Regulation No. 001- 01**  
**Hoopa Tribal Department of Commerce**

**REGULATIONS REQUIRING AGE VERIFICATION BEFORE SALES  
OF TOBACCO PRODUCTS BY MAIL, INTERNET, TELEPHONE OR OTHER  
INDIRECT SALES**

Pursuant to authority delegated under Title 51 of the Hoopa Tribal Code, I hereby establish the following regulations pertaining to the sale of tobacco products by any business licensed by the Tribe. These regulations are hereby incorporated into and made a part of the Business Standards contained in Title 56 of the Hoopa Tribal Code.

**001.1 Prohibited Sales of Tobacco Products to Minors.** It is prohibited for any business licensed pursuant to the Comprehensive Business Codes of the Hoopa Valley Tribe to sell by mail, Internet, telephone or other indirect sales, any tobacco products, whether such sale takes place within or outside the boundaries of the Hoopa Valley Indian Reservation, to any person who is not eighteen (18) years of age or older, except that no sale of tobacco products shall be made to persons in the States of Alabama, Alaska and Utah who is not nineteen (19) years of age or older. For purposes of this regulation, any reference to age shall be interpreted to being consistent with the age requirements specified in this section.

**001.2 Procedural Requirements.** To comply with the requirements set forth in 001.1 above, any business must do the following:

- a. Any advertisements for tobacco products must notify the prospective purchaser in an easily readable manner and in a prominent place on the ad that they must be at least 18 years of age to purchase tobacco products.
- b. Sellers of tobacco products must notify prospective purchasers in an easily readable manner and on a prominent place on any order forms, or in a clear and understandable manner in the case of telephone sales, that purchasers must certify that they are 18 years of age or older. Prospective purchasers must also be informed that giving false information to obtain tobacco products is a violation of law.

- c. Sellers must verify that prospective purchasers attempting to purchase tobacco products by mail, Internet, telephone or other indirect sales, are at least 18 years of age, by requiring that a legible copy of a government- issued identification be mailed or telefaxed to the seller before the tobacco products are shipped. The information on any order form, or taken by telephone, must be consistent with the information on the government- issued photo identification.
- d. To ensure that the tobacco product(s) are not delivered to anyone under 18 years of age, the seller must deliver such products directly to either the purchaser or to a person that the purchaser certifies as being 18 years of age or older, and requiring that person to sign for receipt of the products and proving proof that he/she is 18 years of age or older.

**001.3 Record Keeping Requirements.** All businesses engaging in the sale of tobacco products by mail, Internet, telephone or other indirect sales, shall develop and maintain a record keeping system that allows for the monitoring of all sales of tobacco products in an accurate and timely manner. The information contained in this record keeping system must include at least the information identified in Section 001.2 of this regulation for each sale of tobacco products. Information contained in the business' records keeping system pertaining to the sale of tobacco products shall be made available to the Tribal Department of Commerce for review under provisions contained in Title 51.107 of the Tribal Comprehensive Business Codes.

**001.4 Enforcement Procedures.** This regulation may be enforced pursuant to provisions contained in Title 56 of the Hoopa Tribal Code, and as such, becomes a part of the Conditions of License under 56.206 and non-compliance with the provisions of this regulation may subject a business to sanctions contained in 56.301- 305 of the Hoopa Tribal Code.

**001.5 Cooperative Enforcement.** The Tribal Department of Commerce will work with other enforcement agencies to prohibit the sale tobacco products to minors in any manner authorized by Hoopa Tribal Law.

APPROVED: \_\_\_\_\_  
Daniel Jordan, Director  
Tribal Department of Commerce