

Wyoming

Smoking Restrictions

Overall Summary of Smoking Restrictions

No restrictions on smoking in state law; smoking is restricted in certain government buildings by policy of the Capitol Building Commission, see below.

Wyoming State Govt. Non-Smoking Policy (1989).

Exceptions to the Law

No restrictions on smoking in state law.

Stronger Local Laws on Smoking

No specific provision concerning preemption in state law; local communities are allowed to pass stronger laws/ordinances further restricting smoking.

Government Buildings

Smoking is not permitted in any building under control of the Capitol Building Commission except in specially ventilated designated smoking areas.

Wyoming State Govt. Non-Smoking Policy (1989).

Private Workplaces

No restrictions.

Schools

No restrictions.

Child Care Facilities

No restrictions.

Health Care Facilities

No restrictions.

Restaurants

No restrictions.

Bars

No restrictions.

Tobacco Taxes

Tax on Cigarettes

Tax rate per pack of 20: 60 cents

Date last changed: July 1, 2003 -- 12 cents to 60 cents

Year first enacted: 1951

WYO. STAT. ANN. § 39-18-104(a) (2003).

Use of Cigarette Tax Revenue - Summary

Revenue from cigarette taxes is distributed to cities/counties and the state general fund as specified below.

WYO. STAT. ANN. § 39-18-111 (2005).

Use of Cigarette Tax Revenue - Detailed Information

Revenue from 33 1/3 percent of 12 cents of the cigarette tax is distributed to incorporated cities and towns and to boards of county commissioners in the proportion the cigarette taxes derived from sales within each incorporated city or town or county bears to total cigarette taxes collected. The remaining revenue is then distributed 61.75 percent to cities and counties as specified above and 38.25 percent to the state general fund. The other 48 cents of the cigarette tax is distributed to the state general fund.

WYO. STAT. ANN. § 39-18-111 (2005).

Taxes on Other Tobacco Products

Moist snuff: 60 cents for up to an ounce and a proportionate rate on any fractional parts of more than one ounce;
All other cigars, snuff and other tobacco products: 20% of the wholesale purchase price.

WYO. STAT. ANN. § 39-18-104(c) (1989) & 39-18-104(e) (2009).

Use of Other Tobacco Products Tax Revenue - Summary

All revenue from the tax on other tobacco products is distributed to the state general fund.

WYO. STAT. ANN. § 39-18-111 (2005).

Revenue Collected from Cigarette Taxes

Revenue collected in Fiscal Year 2012 (July 1, 2011 to June 30, 2012): \$19,662,000

Tobacco Control Program Funding

Source of funding

State funding for Wyoming's tobacco control program comes from annual Master Settlement Agreement payments and the state general fund.

State Funding Details

Wyoming allocated \$4,581,438 for tobacco prevention and cessation programs in FY2015 (July 1, 2014 to June 30, 2015). In FY2014, \$5,103,518 was allocated.

FY2015-FY2016 Biennial Appropriations (H.B. 1) enacted 3/5/14 and effective 7/1/14 (FY2015) & 7/1/15 (FY2016).

Tobacco Control Program Related Laws

Wyoming directed the Department of Health to develop and implement comprehensive tobacco prevention, cessation and treatment programs for Wyoming, and also instructed the Department of Health to develop and implement a competitive grant program to support efforts to reduce the use of tobacco products by minors. The department shall give priority to the following programs in regard to tobacco use in the state: comprehensive community based programs; public education, including use of media campaigns; youth involvement programs; school and early childhood programs; enforcement of laws related to access to tobacco products by minors; programs to promote the cessation of tobacco use; and programs for the treatment of tobacco-related diseases. These programs shall include peer reviewed science-based educational materials on tobacco harm reduction and the comparative risks of alternative nicotine products, vapor products, smokeless tobacco products, cigarettes and other combustible tobacco products.

WYO. STAT. ANN. § 9-4-1204 (2015).

Funding for Tobacco Control Programs

FY2015 State Funding for Tobacco Control Programs: \$4,581,438

FY2015 Federal Funding for State Tobacco Control Programs: \$1,035,311*

FY2015 Total Funding for State Tobacco Control Programs: \$5,616,749

Funding Level Recommended by CDC: \$8,500,000

Percentage of CDC-Recommended Level: 66.1%

*Includes regular and supplemental quitline funding from the Centers for Disease Control and Prevention and state youth access contract funding from the U.S. Food and Drug Administration.

Laws Restricting Youth Access to Tobacco Products

Compliance/Enforcement

The Department of Health, working with local law enforcement agencies and other local individuals and organizations at the discretion of the department, shall be the lead agency to ensure compliance with this article. To coordinate the enforcement of state statutes relating to the prohibition of the sale of tobacco products to minors and to comply with applicable law, the Department of Health shall have authority to contract with or provide grants to local law enforcement agencies or other local individuals or entities to conduct random, unannounced inspections at retail locations where tobacco products are sold. Minors may be used with written consent of the minor's parents or guardian, and if specific guidelines for use of minors in such investigations are followed.

WYO. STAT. ANN. § 14-3-307 (2000).

Penalties for Sales to Minors

No individual shall sell, offer for sale, give away or deliver tobacco products to any person under the age of 18. The definition of tobacco products includes any product made or derived from tobacco containing nicotine, and specifically includes electronic cigarettes as defined. Any individual violating this section is guilty of a misdemeanor punishable by a fine of not more than \$50 for a first violation; \$250 for a second violation; and \$750 for a third or subsequent violation committed within a 24-month period. The court may allow the defendant to perform community service and be granted credit against their fine and court costs at the rate of \$5 for each hour of work performed.

WYO. STAT. ANN. § 14-3-302 (2013).

No retailer shall sell, permit the sale, offer for sale, give away or deliver tobacco products to any person less than 18 years of age. The definition of tobacco products includes any product made or derived from tobacco containing nicotine, and specifically includes electronic cigarettes as defined. Any person violating this section is guilty of a misdemeanor punishable by the same graduated fines listed for individuals above. In addition, any retailer violating this section for a third or subsequent time within a two-year period may be prohibited from selling tobacco products for not more than 180 days by court injunction. It is an affirmative defense to a prosecution under this section that, in the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card, which identified the person buying or receiving the tobacco product as being over 18 years of age. No penalty will be enforced for a first violation if the retailer can show it had adopted and enforced a written policy against selling tobacco products to persons under the age of 18 years; informed its employees of the applicable laws regarding the sale of tobacco products to persons under the age of 18 years; required employees to verify the age of tobacco product customers by way of photographic identification or by means of an electronic transaction scan device; and established and imposed disciplinary sanctions for noncompliance.

WYO. STAT. ANN. § 14-3-302 (2013).

Sign Posting Requirements

Any person who sells tobacco products shall post signs informing the public of the age restrictions for sales of tobacco products at or near every display of tobacco products. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under 18 years of age is prohibited by law. 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. § 14-3-303 (2000).

Purchase/Possession of Tobacco Products by Minors

No person under the age of 18 shall possess, use, purchase or attempt to purchase tobacco products; or misrepresent their identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase tobacco products. Any person violating this section is guilty of a misdemeanor punishable by a fine of not more than \$50 for a first violation; not more than \$250 for a second violation; and not more than \$750 for a third or subsequent violation committed within a 24-month period. In lieu of the fine, the court may allow the defendant to perform community service or attend a tobacco cessation program and be granted credit against their fine and court costs at the rate of \$5 for each hour of work performed or each hour of tobacco cessation program attended. This does not apply to minors participating in compliance inspections.

WYO. STAT. ANN. §§ 14-3-304 & 14-3-305 (2000).

Placement of Tobacco Products

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. §§ 14-3-301 & 14-3-303 (2007).

Internet Sales of Tobacco Products

No state law/regulation.

State Preemption of Local Youth Access Laws

Stronger local laws/ordinances further restricting youth access to tobacco products are allowed, except for the state laws specified below.

This article shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the sale, use and possession of tobacco products to any person under 18 years of age, but the governmental entity shall not permit or authorize the sale, use or possession of tobacco products to any person under 18 years of age in violation of this article. No governmental entity shall enact any law or ordinance which changes the standards provided by

Wyoming Statutes sections 14-3-302(a) and (c), 14-3-303(a), 14-3-304(a) and 14-3-305(a).

WYO. STAT. ANN. § 14-3-308 (2000).

Photo Identification Requirements to Buy Tobacco Products

No state law/regulation.

Minimum Sales Age for Tobacco Products

18

Tobacco Product Samples/Minimum Sales Amounts for Tobacco Products

Tobacco Product Samples

No person shall give away or deliver tobacco products to any person under the age of 18. Violation is a misdemeanor subject to the same penalties as selling or distributing tobacco products to minors, including possible license suspension.

WYO. STAT. ANN. § 14-3-302 (2000).

Minimum Tobacco Products Sales Amounts

No state law/regulation.

State Preemption of Local Samples Laws

Stronger local laws/ordinances further restricting where the sampling of tobacco products can occur are allowed, but the age for giving away or delivering tobacco products can not be changed. Stronger local laws/ordinances restricting minimum sales amounts of tobacco products are allowed as well.

This article shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the sale, use and possession of tobacco products to any person under 18 years of age, but the governmental entity shall not permit or authorize the sale, use or possession of tobacco products to any person under 18 years of age in violation of this article. No governmental entity shall enact any law or ordinance which changes the standards provided by Wyoming Statutes sections 14-3-302(a) and (c), 14-3-303(a), 14-3-304(a) and 14-3-305(a).

WYO. STAT. ANN. § 14-3-308 (2000).

Sales of Tobacco Products from Vending Machines

Vending Machine Placement

Vending machines are restricted to locations in a business, factory, office, or other place not generally open to the public,

and in places where persons under 18 are not permitted, including areas where alcoholic beverages are sold or dispensed.

WYO. STAT. ANN. § 14-3-303 (2000).

Penalties for Vending Machine Violations

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. § 14-3-303 (2000).

Sign Posting Requirements for Vending Machines

Signs must be posted on or upon every vending machine selling tobacco products. The signs shall be plainly visible and inform the public that the sale of tobacco products to persons under 18 is prohibited by law. 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. § 14-3-303 (2000).

State Preemption of Local Vending Machine Laws

Stronger local laws/ordinances further restricting the placement of tobacco product vending machines are allowed, but changing the sign posting requirements for vending machines are not allowed.

This article shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the sale, use and possession of tobacco products to any person under 18 years of age, but the governmental entity shall not permit or authorize the sale, use or possession of tobacco products to any person under 18 years of age in violation of this article. No governmental entity shall enact any law or ordinance which changes the standards provided by Wyoming Statutes sections 14-3-302(a) and (c), 14-3-303(a), 14-3-304(a) and 14-3-305(a).

WYO. STAT. ANN. § 14-3-308 (2000).

Licensing Requirements for Tobacco Products

Overall Summary of Licensing Requirements

Wholesalers, manufacturers and importers must obtain a license to sell tobacco products from the Department of Revenue. The term wholesaler includes any person who sells or distributes for sale or resale cigarettes over the Internet or through any other means of direct or indirect mail solicitation or delivery. The term manufacturer, includes retail or wholesale establishments that maintain machines that enables a person to process into a roll or tube, tobacco or any product made or derived from tobacco. The license is valid through June 30th of each year and a separate license is required for each place of business for wholesalers. Selling or distributing tobacco products without a license is a misdemeanor subject to not more than a \$100 fine and/or six months in county jail.

WYO. STAT. ANN. §§ 39-18-101 (2012), 39-18-106 (2005) & 39-18-108 (2005).

License Fees

\$10 annually for all licenses.

WYO. STAT. ANN. § 39-18-106 (2005).

License Suspension for Sales to Minors

For a third or subsequent violation of the sales to minors' law within a two-year period, the court may grant an injunction against a retailer prohibiting the sale of tobacco products for a period of up to 180 days.

WYO. STAT ANN § 14-3-302 (2000).

License Required for Retailers of Cigarettes

No - local license may be required.

License Required for Retailers of Other Tobacco Products

No - local license may be required.

License Required for Wholesalers/Distributors of Cigarettes

Yes

License Required for Wholesalers/Distributors of Other Tobacco Products

Yes

Smoking Protection Laws

Smoking Protection Law

It is a discriminatory or unfair employment practice for an employer to require as a condition of employment that any employee or prospective employee use or refrain from using tobacco products outside the course of their employment, or otherwise to discriminate in matters of compensation or the terms, conditions or privileges of employment, unless it is a bona fide occupational qualification that a person not use tobacco products outside the workplace. This shall not prohibit an employer from offering, imposing or having in effect a health, disability or life insurance policy distinguishing between employees for type or price of coverage based upon the use or nonuse of tobacco products, with certain conditions. Any person claiming to be aggrieved by a discriminatory or unfair employment practice may file a complaint with the Department of Employment within 90 days of the alleged violation. The department may order the respondent to hire, reinstate or upgrade the employee, with or without back pay.

WYO. STAT. ANN. §§ 27-9-101 et seq. (1992).

Advertising & Promotion

Advertising & Promotion

No state law/regulation.

Product Disclosure

Product Disclosure

No state law/regulation.

Divestment

Divestment

No state law/regulation.

Liability

Tobacco Industry Liability

No state law/regulation.

Use of Tobacco Settlement Dollars

Use of Tobacco Settlement Dollars - Summary

Annual Master Settlement Agreement payments in Wyoming were deposited in a Tobacco Settlement Trust Fund through March 15, 2002 and in a Trust Fund Income Account after that. Money in the Trust Fund Income Account can be spent on specific programs as appropriated by the legislature.

WYO. STAT. ANN. § 9-4-1203 (2000).

Use of Tobacco Settlement Dollars - Detailed Information

Wyoming created the Wyoming tobacco settlement trust fund to receive annual payments from the MSA through March 15, 2002. The principal is to remain forever inviolate, and the interest, and all payments received after March 15, 2002 go to a trust fund income account. The money in this account can be spent on efforts in prevention and cessation of tobacco use through school and community based programs and efforts to establish and implement programs to prevent, intervene

in, and otherwise limit alcohol and substance abuse. This money must be appropriated by the legislature.

WYO. STAT. ANN. § 9-4-1203 (2000).

Fire Safety Standards for Cigarettes

Law Setting Fire Safety Standard for Cigarettes

To help prevent cigarette-caused fires, except as provided in this law, cigarettes may not be offered for sale or sold to persons located in this state unless: 1) the cigarettes have been tested and have met the required performance standard specified in Wyoming Statutes section 35-9-803; 2) the manufacturer has filed a written certification with the state Department of Revenue in accordance with Wyoming Statutes section 35-9-804 and 3) the cigarettes have been marked in accordance with Wyoming Statutes section 35-9-805.

WYO. STAT. ANN. §§ 35-9-801 to 35-9-811 (2015).

Penalties for Fire Safety Violations

A manufacturer, wholesale dealer, agent or any other person or entity who knowingly sells or offers for sale cigarettes, other than through retail sale, in violation of the above requirements shall be subject to a civil penalty not to exceed \$100 for each pack of such cigarettes sold or offered for sale. In no case shall the penalty against any such person or entity exceed \$100,000 during any 30-day period. A retail dealer who knowingly sells or offers for sale cigarettes in violation of the above requirements shall be subject to a civil penalty not to exceed \$100 for each pack of such cigarettes sold or offered for sale. In no case shall the penalty against any retail dealer exceed \$10,000.00 during any 30-day period. Any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification shall be subject to a civil penalty of not less than \$75,000 or more than \$250,000 for each false certification.

WYO. STAT. ANN. § 35-9-806 (2015).

Preemption

Summary of all Preemptive Tobacco Control Laws

Certain state laws restricting youth access to tobacco products cannot be changed by local law/ordinance.

Activity

Recent Legislative Activity

Tobacco Control Program Funding: Allocated \$4,581,438 for tobacco prevention and cessation programs in FY2015. FY2015-FY2016 Biennial Appropriations (H.B. 1) enacted 3/5/14 and effective 7/1/14 (FY2015) & 7/1/15 (FY2016).