

## ALTERNATIVE NICOTINE PRODUCTS INDUSTRY ADVISORY

### New Laws Restricting the Sale and Marketing of Alternative Nicotine Products to Youth Are Effective September 12, 2026

During their last session the Arizona Legislature passed bipartisan legislation aimed at regulating the alternative nicotine products industry. House Bill 4001 was signed by Governor Hobbs on June 4, 2026. The new regulations on alternative nicotine products (ANPs) was placed in Title 4 of the Arizona Revised Statutes, and the Department of Liquor Licenses and Control (DLLC) was tasked with licensing all ANP manufacturers and distributors beginning on January 1, 2028.

In addition to the licensing aspect of the new legislation, the law strengthens existing state laws that already prohibit the sale of tobacco and vapor products to anyone under 21. “Alternative nicotine products,” are defined broadly to include “any noncombustible product that contains nicotine and that is intended for human consumption. . .” (unless approved by the FDA as a drug or device under chapter V of the Federal Food, Drug, and Cosmetic Act). See A.R.S. § 4-101(3). This definition includes products that contain nicotine even if the product does not also contain tobacco, meaning that products such as nicotine pouches or dissolvable nicotine products, among others, may not be sold to anyone under 21.

The law seeks to deter the sale of ANPs to anyone under 21 by banning product marketing aimed at enticing youth to purchase or use ANPs. Specifically, **A.R.S. § 4-403 makes it a crime for any person to market, advertise, sell, or cause to be sold any ANP that depicts a cartoon or fictional character, imitates a trademark or contains a symbol that is or has been used primarily to market to minors, includes the name or likeness of a celebrity, or is designed to disguise the ANP as a school supply, smart phone or device, a cosmetic, a food or beverage, or a toy or video game.** A violation of this section could result in criminal charges and the seizure of the suspect ANPs, which can later be ordered destroyed via court order.

If you are currently marketing, advertising, or selling ANPs which would violate this law, you are strongly encouraged to ensure that such products are not on store shelves or otherwise offered for sale prior to September 12, 2026, to avoid criminal penalties.

The new law also enhances penalties for the sale of ANP's to persons under 21 years of age. **Pursuant to A.R.S. § 13-3622 it is illegal to sell ANPs to underage persons, and it is also illegal for an underage person to purchase or possess ANPs, and for an underage person to misrepresent their age in order to purchase ANPs.** Retailers should follow the identification requirements found in A.R.S. § 4-404, which lists acceptable forms of identification and the steps to follow if a retailer has reason to suspect the customer is under 21. The Attorney General's Office (AGO) conducts investigations statewide, determining if retailers are selling tobacco products to persons under 21. Those investigations will now include all ANP products. Potential penalties for noncompliance have now changed to include increased fines and escalating criminal penalties for repeated violations.

Finally, please be aware that if you are a liquor licensee who also deals in ANPs, your failure to obey these new regulations may be grounds for discipline against your liquor license for failing to maintain the capability, qualifications, and reliability requirements of licensure pursuant to A.R.S. § 4-210.

The DLLC intends to prioritize education and prevention to gain voluntary compliance with these new regulations. However, we, along with our law enforcement partners statewide, intend to enforce the law.

Remember that these laws, which criminalize targeted marketing and underage sales and possession, are effective September 12, 2026. They may be enforced by any sworn peace officer in the state, which includes municipal police departments, county sheriffs, and state officers, such as DLLC and AGO Special Agents or DPS State Troopers.

For continued updates and information, please refer to the DLLC website at [liquor.az.gov](http://liquor.az.gov).

For tobacco-specific information or complaints, please refer to the Attorney General's Tobacco Enforcement Unit at [azag.gov/consumer/tobacco](http://azag.gov/consumer/tobacco).