

ONEIDA INDIAN NATION

REGULATIONS GOVERNING THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

The regulations below were promulgated by the Oneida Indian Nation on November 18, 2019.

PART 1: PURPOSE AND DEFINITIONS

Section 1.1 **Purpose.** The Oneida Indian Nation (the “Nation”) establishes these regulations to protect the health, safety and welfare of Nation members and members of the general public. The Nation has authorized the promulgation of these Regulations as necessary to implement the Oneida Indian Nation Land Use, Environmental, Health & Safety Ordinance (Ordinance No. O-14-03 (the “Ordinance”). These Regulations are not all-inclusive, but are adjunct to, and must be read in connection with the Ordinance.

Section 1.2 **Definitions.** For purposes of these Regulations, the following terms have the meanings set forth below:

1. “Tobacco Products” means cigarettes or cigars, bidis, chewing tobacco, or nicotine water.

PART 2: Distribution or Sale of Tobacco Products on Nation Land

Section 2.1. **Minimum Age Requirement.** The sale and distribution of Tobacco Products on Nation land to persons under age 21 is prohibited.

PART 3: COMPLIANCE DATE

Section 3.1. **Compliance Date.** Any person or entity manufacturing, distributing or selling Vaping Products on Nation Land must be in compliance Part 2.1 of these Regulations no later than November 13, 2019.

PART 4: ADMINISTRATION AND ENFORCEMENT

Section 4.1. The Nation Representative(s) shall appoint any and all officer(s) or official(s), deemed necessary to administer and enforce these Regulations.

Section 4.2: In addition to any other penalties, any person or entity that violates these Regulations may be subject to a civil fine for each such offense, and may be required to pay a fine of not less than \$200, but no more than \$20,000 for each such offense. For purposes of civil penalties each Tobacco Product that is distributed, sold, or offered for sale, in violation of Part 2 of these Regulations shall constitute a separate violation.

PART 5: MISCELLANEOUS

Section 5.1. The Nation does not, by enacting these Regulations, waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place.

Section 5.2. These Regulations are not subject to review or modification in any state or federal court or by any authority outside the Nation and are not subject to review or modification in any Nation court.

Section 5.3. These Regulations do not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or Employees, or any other person.