

Under **21** ?

Tobacco Retailer Underage Sales Training



*The tools you need
to follow state and
federal tobacco laws*



Tobacco and Health

You are not required to make a tobacco sale if there is any question that doing so would violate the law!

In the United States...

- Tobacco use kills approximately 480,000 people each year (CDC 2017).
- 13.7% of adults 18 years and older smoke cigarettes (CDC 2018).

In Kentucky...

- Kentucky ranks #2 in the U.S. for adult smoking (23.4%) (CDC Behavioral Risk Factor Survey 2018).
- 26.1% of Kentucky youth use e-cigarettes regularly (CDC Youth Risk Behavior Survey 2019).
- 12.3% of Kentucky youth usually get their own vapor products by buying them in a store (CDC Youth Risk Behavior Survey 2019).
- 7.9% of Kentucky youth use smokeless tobacco regularly (CDC Youth Risk Behavior Survey 2019).
- 8,900 Kentucky adults die each year from smoking (Campaign for Tobacco Free Kids "The Toll of Tobacco In Kentucky" 2019).

Economic Burden of Tobacco Use in Kentucky...

- \$1.92 billion yearly health care costs directly attributable to smoking (CDC's Smoking Attributable Mortality, Morbidity and Economic Costs 2017).
- \$1,074 per household state and federal tax burden from smoking-related government expenses (CDC's Smoking Attributable Mortality, Morbidity and Economic Costs 2017).



FREE Online Training

Online Training...

Take online training on Federal and Kentucky tobacco laws! Free TRUST covers the laws, penalties, how to verify ID and how to refuse a sale.

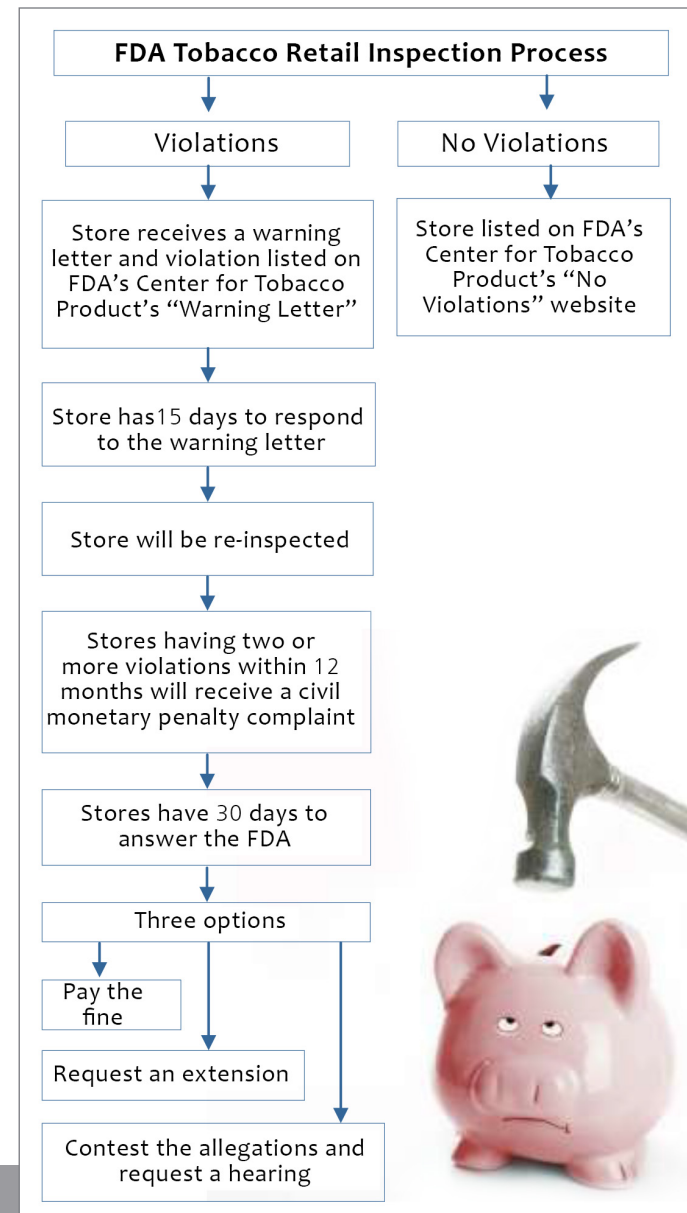
After passing the final quiz, you can print your certificate to keep on file.

The training link is on Alcoholic Beverage Control's website:

http://abc.ky.gov/newstatic_Info.aspx?static_ID=265&menuid=86

Scroll down to Tobacco Retailer Underage Sales Training and click on "Begin Training"

Federal Violations



For Federal tobacco violations, the store owner is fined, not the clerk!

Fines and Penalties

Kentucky Penalties...

Selling tobacco products to anyone under the age of 21:

- Clerks may be fined \$100 for first offense
- \$500-\$1,000 for the second offense

Stores where employees have not signed a statement that they understand Kentucky tobacco laws:

- Owners may be fined \$100-\$500

Federal Penalties...

First violation for any Federal Law:
Warning letter to the retailer

Second violation within a 12-month period owner is fined: **\$285**

Third violation within a 24-month period owner is fined: **\$570**

Fourth violation within a 24-month period owner is fined: **\$2,282**

Fifth violation within a 36-month period owner is fined: **\$5,705**

Sixth or subsequent violation within a 48-month period owner is fined:
\$11,410 as determined by the Secretary on a case by case basis.

Federal and State Tobacco Laws

FEDERAL AND STATE TOBACCO LAWS	Kentucky	Federal
It is illegal to sell tobacco products to anyone under the age of 21	✓	✓
Clerks must ask for identification of anyone purchasing tobacco who appears under 27		✓
Any person who sells tobacco products shall require proof of age	✓	
It is illegal to sell cigarettes in packs of less than twenty	✓	✓
Any retail establishment that sells tobacco products must post a sign saying it is illegal to sell tobacco products to minors	✓	
Tobacco billboard advertisements must be 500 square feet from the property line of a school	✓	
Sale or purchase of tobacco products dispensed from vending machines prohibited to anyone under 21	✓	
Tobacco vending machines only allowed in adult-only facilities		✓
Vending machines must be in sight of the cashier	✓	
All tobacco related advertisements and packages, including retailer created, must contain a health warning label		✓
It is illegal to sell flavored cigarettes (except menthol)		✓
It is illegal to manufacture cigarettes and loose tobacco with labels that read "light" "mild" or "low tar" (Retailers may sell existing inventory)		✓
It is illegal to give away free cigarettes		✓
It is illegal to sell t-shirts or any other clothing or accessories that have cigarette logos		✓

FEDERAL AND STATE TOBACCO LAWS	Kentucky	Federal
It is illegal for tobacco companies to sponsor sporting and entertainment events using an identifiable logo		✓
Each employee of the retail establishment must sign a statement saying that they understand Kentucky tobacco laws	✓	
Clerk is fined for selling tobacco products to anyone under the age of 21	✓	
Store owner is fined for violating Federal tobacco laws		✓
It is illegal to sell "alternative nicotine products" and "vapor products" which include electronic cigarettes, vape pens, disposable e-cigarettes and similar products to anyone under the age of 21	✓	
It is illegal to sell flavored nicotine (other than tobacco or menthol flavors) in reusable, pod-based e-cigarettes. (Disposable and refillable e-cigarettes are exempt from this law.)		✓
Any person selling "alternative nicotine products" and "vapor products" shall require proof of age	✓	
Retailers that mix and prepare e-liquids or create or modify vaporizers will be regulated as both retailers and manufacturers.		✓



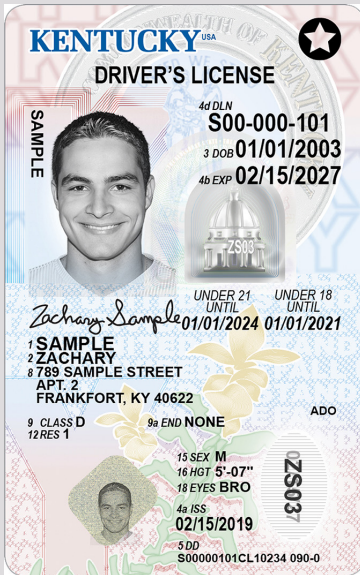
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Kentucky IDs

Kentucky is changing its driver's license to make them compliant with federal ID standards. The new license will be available statewide by *October 1, 2020*. However, they will be available in some counties before then. *The old licenses may be used for ID purposes after October 2020 until their expiration date (except in airports).*

Minor ID



Adult ID



Quick ID Checklist...

- Card anyone who appears under 27
- Have customer remove ID from wallet
- Look at photo
- Look at expiration date
- Look at the date of birth
- Check for DUPLICATE or REPLACEMENT. Ask for a second ID.
- Compare out of state IDs to an ID Checking Guide
- Use a black light to check for UV writing
- Does ID seem to be intact? Are there signs of tampering?
- Look at the back and check for disclaimers.
- When in doubt, ask for a second form of ID.

How to Refuse a Sale...

- Be polite
- Don't get emotional or angry
- Say "I'm sorry, if I make this sale, I could be fined or even lose my job."
- If customer persists, ask your manager for backup.
- Remember! Under Kentucky law, if you make a sale to a minor, you are the one fined!

Tips for Managers

- **Create a written training policy.** The FDA recommends all employees be trained at least once per year. Managers should keep training records for four (4) years.
- **Create a written policy covering Federal laws** and regulations of cigarettes and smokeless tobacco.
- The FDA recommends **all employees that sell tobacco be at least 18 years of age.**
- **Post signs** indicating that your store does not sell tobacco to underage youth.
- **Post a copy of pertinent tobacco laws** at each point of sale.
- If self-serve tobacco products are available, **separate tobacco products from items youth find appealing**, like candy.
- **Employee performance evaluations** should take compliance checks into account. Any employee who fails a compliance check should be given additional training.
- If customers complain about your tobacco policy, **explain that Kentucky law prohibits the sale of tobacco to anyone under the age of 21** and that federal law requires clerks to ask for identification of anyone who appears under the age of 27.
- **Develop protocols** for when to call store managers to deal with uncooperative customers. Have a protocol for employees to follow when refusing a sale and the manager is not present.

Additional Resources

FDA Resources...

FDA Guidance for Tobacco Retailers

<https://www.fda.gov/tobacco-products/about-center-tobacco-products-ctp/ensuring-compliance-tobacco-control-act-and-enforcing-law#3>

Retailer Education Materials

<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm237741.htm>

S.T.A.R. Training...

If you live in a community or have a job that requires Responsible Beverage Server training, information on Kentucky and Federal tobacco laws are included in S.T.A.R. training.

For more information, see the Alcoholic Beverage Control's S.T.A.R. Training website:

<https://txn.esslearning.com/catalogs/kabc/1.1.0/>

More Information...

If you want face-to-face training or if you would like more information about TRUST, please contact:

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TEAM
KENTUCKY

**Substance Abuse Prevention Program
Department for Behavioral Health
Developmental and Intellectual Disabilities**

