

DIVISION OF ALCOHOL AND
TOBACCO CONTROL
TOBACCO MERCHANT EDUCATION
TRAINING



RESPONSIBLE RETAILING

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CORE PROGRAM

RETAILER EMPLOYEE TOBACCO TRAINING CRITERIA:

1. Maximum program is ninety (90) minutes.
2. State laws set out in Sections 407.926 RSMo
3. Federal Regulations pertaining to retail sales of tobacco products, set out in 21 CFR Part 897
4. What constitutes a valid identification as set out in section 407.929.2 RSMo
5. How to determine the validity of an identification and to detect fake, invalid and/or altered identification; and
6. The refusal and denial of the sale of tobacco products to a minor or to someone without proper identification.

TRAINING STANDARDS

- A. Retraining of managers and employees every six months to a year.
- B. Program/training provides written documentation of program/training attendance by each employee.
- C. Program/training must have a method of evaluating its own effectiveness through:
 - Surveys of program/training from attendees.
 - Verbal attendee feedback or discussion that is documented by trainers.

- **The FDA Regulations apply to cigarettes and smokeless tobacco only. The regulations also apply to RYO (Roll Your Own).**
- **The Regulations do not apply to rolling papers; however, there is a state law prohibiting rolling papers to be sold to anyone under 18 years of age. You must comply with State law.**

Sample of the New Federal Requirements:

- Prohibits the sale of cigarettes or smokeless tobacco to anyone under 18 (if the minimum age in your State is more than 18, you must comply with the State age requirement).
- Prohibits the sale of single cigarettes (“loosies”) or packs with fewer than 20 cigarettes.
- Limits tobacco product sales to direct, face-to-face exchanges (mail order is an exception). Vending machines and self-service displays are prohibited except in places where nobody under 18 is allowed to enter.
- Prohibits the sale or distribution of items such as hats and t-shirts with tobacco brand names or logos.

New Requirements Relating to Sale and Distribution

- Prohibits the sale of cigarettes or smokeless tobacco to people younger than 18.
- Prohibits the sale of cigarette packages with fewer than 20 cigarettes.
- Prohibits the sale of cigarettes and smokeless tobacco in vending machines, self-service displays, or other impersonal modes of sales, except in very limited situations.
- Prohibits free samples of cigarettes and limits distribution of smokeless tobacco products.

New Requirements Relating to Marketing (Labeling, Advertising, and Promotion)

- Prohibits tobacco brand name sponsorship of any athletic, musical, or other social or cultural event, or any team or entry in those events.
- Prohibits gifts or other items in exchange for buying cigarettes or smokeless tobacco products.
- Requires that audio ads use only words with no music or sound effects.

- Prohibits the sale or distribution of items, such as hats and tee shirts, with tobacco brands or logos.

FEDERAL LAWS AND REGULATIONS:

Retailers of tobacco products MUST:

- Not sell cigarettes or smokeless tobacco to persons younger than 18 years of age (21 CFR 1140.14(a)).
- Verify the age of purchasers of cigarettes or smokeless tobacco who are under the age of 27 by means of photographic identification that contains the bearer's date of birth (21 CFR 1140.14(b)).

Restrictions on Sale and Distribution of Tobacco Products

Retailers of tobacco products MUST:

- Only sell cigarettes or smokeless tobacco in direct, face-to-face transactions (21 CFR 1140.14(c), 1140.16(c)).
- Not have in your facility tobacco vending machines or self-service displays unless you ensure that persons younger than 18 years of age are never present or permitted to enter at any time (21 CFR 1140.16(c)).
- Not break or otherwise open packages of cigarettes to sell or distribute single cigarettes or any package with less than 20 cigarettes (21 CFR 1140.14(d), 21 CFR 1140.16(b)).
- Not break or otherwise open packages of smokeless tobacco to sell or distribute any quantity of cigarette tobacco or smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual use (21 CFR 1140.14(d)).
- Not distribute free samples of tobacco products, except for samples of smokeless tobacco products in a qualified adult-only facility, as defined by the regulations (21 CFR 1140.16(d)).

Restrictions on Advertising and Promotion of Tobacco Products (2)

Retailers of tobacco products MUST:

- Not offer any gift or item to any person purchasing cigarettes or smokeless tobacco in consideration of (a) the purchase of the cigarettes or smokeless

- tobacco product or (b) providing evidence of such purchase, such as credits, proofs-of-purchase, or coupons (21 CFR 1140.34(b)).
- Not sponsor any athletic, musical, artistic, or other social or cultural event, or any entry or team in any event, in the brand name, logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification similar to, or identifiable with, those used for any brand of cigarettes or smokeless tobacco (21 CFR 1140.34(c)).

Section 103(q)(2) of the Tobacco Control Act includes two schedules for assessing civil money penalties against retailers for violations of restrictions promulgated under section 906(d) of the FFDCA, as amended by the Tobacco Control Act. Under each schedule, violators are subject to increasing penalties for multiple violations within prescribed time periods.

Specifically, section 103(q)(2)(A) defines the civil money penalty structure as follows:

i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed –

(I) in the case of the first violation, \$0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, \$250;

(III) in the case of a third violation within a 24-month period, \$500;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed -

(I) in the case of the first violation, \$250;

(II) in the case of a second violation within a 12-month period, \$500;

(III) in the case of a third violation within a 24-month period, \$1,000;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

For the first three violations in a 24-month period, retailers with an approved training program are subject to lower maximum penalties than retailers without such programs. Section 103(q)(2)(B) of the Tobacco Control Act defines “approved training program” as a training program that complies with standards developed by the FDA for such programs. The FFDCA further provides that the amount of civil money penalty ultimately assessed shall take into account, among other things, the degree of culpability of the violator. (3) FDA intends to promulgate regulations establishing standards for approved retailer training programs. In the interim, however, for retailers who wish to implement an effective training program for employees, FDA is issuing this guidance to provide recommendations on elements the agency believes should be included in such a program. Until FDA promulgates these regulations, the agency intends to use the lower maximum civil money penalties schedule for all retailers who violate the regulations restricting the sale and distribution of cigarettes and smokeless tobacco products, (4) whether or not they have implemented a training program. However, FDA may consider further reducing the civil money penalty for retailers who have implemented a training program.

In addition to civil money penalties, the statute allows the Secretary to impose no-tobacco-sale orders on retailers who repeatedly violate restrictions promulgated under section 906(d) of the FFDCA, as amended by the Tobacco Control Act. Specifically, section 103(c) of the Tobacco Control Act amends section 303(f) of the FFDCA to add the following:

“If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty.”

FDA TOBACCO DEFINITIONS

FDA intends to use the following definitions in recommending elements for effective retailer training programs:

- 1. Cigarette:** The term ‘cigarette’ means a product that is a tobacco product and meets the definition of the term “cigarette” in section 3(1) of the Federal Cigarette Labeling and Advertising Act and includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco (21 CFR 1140.3(a)). This definition refers to a provision of the Federal Cigarette Labeling and Advertising Act which defines the term ‘cigarette’ as:
“(1) The term “**cigarette**” means—
(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and
(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).” (15 U.S.C. 1332).
- 2. Cigarette Tobacco:** The term ‘cigarette tobacco’ means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco (21 CFR 1140.3(b)).

3. **Smokeless Tobacco:** The term ‘smokeless tobacco’ means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity (21 CFR 1140.3(i)).

4. **Retailer:** The term ‘retailer’ means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption, or who operates a facility where vending machines or self-service displays are permitted under the regulations (21 CFR 1140.3(h)).

HEALTH EFFECTS OF YOUTH TOBACCO USE:

Training program content should include a description of the health and economic effects of tobacco use, especially when tobacco use begins at a young age. One way to do this is to give employees the following information:

“Tobacco products are responsible for approximately 440,000 deaths each year. The Centers for Disease Control and Prevention (CDC) report an estimated 46 million people or 20.6 percent of all adults (aged 18 years and older) in the United States currently smoke cigarettes. Paralleling this enormous health burden is the economic burden of tobacco use, which is estimated to total \$193 billion annually in medical expenditures and lost productivity. According to the Substance Abuse and Mental Health Services Administration’s (SAMHSA) 2008 National Survey on Drug Use and Health, 80 percent of adults who are nicotine dependent report that they started smoking cigarettes before the age of 18.” This portion of the training should also explain that nicotine is an addictive substance and that virtually all new users of tobacco products are under the age of 18. Employees should be informed that one way to prevent the

significant adverse consequences of tobacco use is to prevent youth from beginning to use these products.

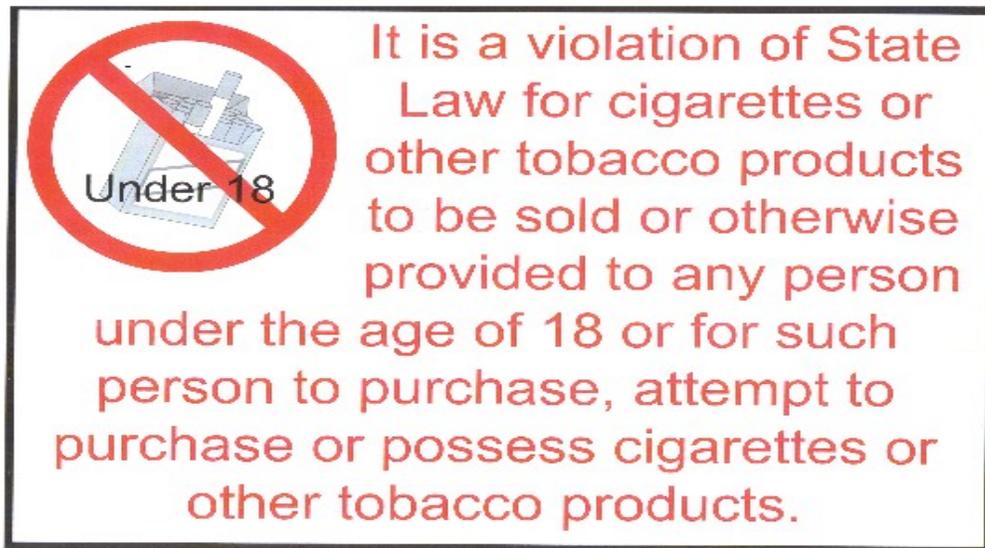
Required Signage

RSMo. §407.927

Sign shall be posted at every display that sell or vend tobacco or tobacco products

Sign shall contain RED lettering at least ½ inch high on a white background

The sign must include a pack a cigarettes at least 2 inches high defaced by a RED diagonal diameter of a surrounding RED circle, and the words “Under 18”



Penalties for the sales clerk, owner, or operator who fails to have required signage:

- 1st Offense- \$ 25.00
- 2nd Offense- \$100.00
- 3rd and Subsequent Offense- \$250.00

Sale of Individual Packs of Cigarettes RSMo.§407.928

- Cannot sell individual packs of cigarettes or smokeless tobacco unless:
 1. Sold through a vending machine or
 2. Is displayed behind the check-out counter, or
 3. Within the unobstructed line of sight of the sales clerk

Unlawful to Sell or Distribute Tobacco Products to Minors RSMo.§ 407.931.1

It shall be unlawful for any **person** to sell, provide, or distribute tobacco products to persons under eighteen years of age.

Or

No person or entity shall sell, provide, or distribute any tobacco products or rolling papers to any minor, or **sell any individual cigarettes to any person in this state.**

Penalties to Clerk for Sale to Minors/ Sale of Individual Packs of Cigarettes RSMo.§RSMo.§407.931.4

- Penalties for the person who sells to a Minor or Individual/ Single Cigarettes
 - 1st Offense- \$ 25.00
 - 2nd Offense- \$100.00
 - 3rd and Subsequent Offense- \$250.00

Retail Vendors RSMo.§407.931.5
Penalties for Sale to Minors

- 1st offense within 2 years written reprimand
- 2nd offense within 2 years-no sales for 24 hours
- 3rd offense within 2 years-no sales for 48 hours
- 4th and any subsequent offense within 2 years- no sales for 5 day period

Vending Machines RSMo.§407.931.2

➤ Vending Machines:

A. Must be in the line of sight of an employee, or

B. Must have a lockout device

Exception-

Vending machines located in factories, private clubs or areas not generally accessible to the general public

Missouri Revised Statute Child Labor Laws- Chapter 294

RSMo. §294.024-

A child may not be employed during a regular school term unless the child has been issued a work certificate or work permit pursuant to the provisions of Chapter 294

Youth Employment

Young people under the age of 14 are allowed to work only in limited areas such as the entertainment industry (an entertainment permit issued by the Division of Labor Standards is required). Young people 14 to 15 years of age are permitted to work in a number of different types of businesses, with the majority working in some form of retail or food services. A work certificate is required during the school year. The employment of young people over the age of 16 does not fall under Missouri law, but some restrictions do exist under [federal law](#).

[Prohibited occupations](#) generally involve dangerous equipment (cookers, slicers), dangerous materials (such as toxic chemicals), or dangerous duties (driving, roofing). In addition there are specific restrictions regarding employment in hotels and in businesses that sell alcoholic beverages. The U. S. Department of Labor also has restrictions listed in their [Hazardous Orders Rule](#).

WHAT PRODUCTS ARE AGE RESTRICTED?

- Cigarettes
- Cigars
- Chewing tobacco
- Snuff
- Pipe tobacco
- smokeless tobacco
- Cigarette papers/rolling papers made from tobacco leaves

There is no age restriction on selling lighters. However, retailer may set policy of 18+ if they choose.

TOBACCO DEFINITIONS

Person-an individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity which is recognized by law as the subject of rights and duties;

Minor-is any individual less than eighteen (18) years of age.

Proof of age-a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;

Tobacco products- any substance containing tobacco leaf, including, but not limited to is cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco or other forms of tobacco product or products made with tobacco substitute containing nicotine.

Cigarette-is an item manufactured of tobacco or any substitute, wrapped in paper or any substitute, weighing not to exceed three (3) pounds per one thousand (1,000) cigarettes and which is, commonly classified, labeled or advertised as a cigarette.

Smokeless tobacco-is chewing tobaccos, including twist, moist plug, loose leaf and firm plug, and all types of snuff, including moist and dry.

Rolling papers- paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokable cigarette;

Distribute- a conveyance to the public by sale, barter, gift or sample;

Package-is a pack, box, carton, or container, of any kind in which cigarettes are offered for sale, sold or otherwise distributed to consumers.

Sample-a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes;

Sampling- the distribution to members of the general public of tobacco product samples;

Vending machine-any mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

Center of youth activities- any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes;

Municipality- the city, village or town within which tobacco products are sold or distributed or, in the case of tobacco products that are not sold or distributed within a city, village or town, the county in which they are sold or distributed;

STORE MANAGER'S RESPONSIBILITIES

Best Practices for Responsible Retailing and Recommendations for Managers

Your duties include the following:

- Hiring responsibly.
- Training sales associates and monitoring staff compliance with applicable laws and regulations on an on-going basis.
- Providing job applicants and new hires with required information and materials on tobacco sales issues.
- Implementing and using all technological tools specified for the purpose of helping to prevent sales of alcohol and or tobacco products to minors.
- Reminding sales associates of the importance of ID checks at the start of each shift during which you are on duty.
- Helping install and maintain all required signage concerning alcohol and or tobacco sales at the premises.
- Reporting all violations of laws concerning tobacco sales to minors.
- Reviewing video-security tapes periodically to monitor sales associates' compliance, conducting follow-up discussions with sales associates, and providing remedial training and testing to employees who fail.

Support Tools:

- Signage
 - Required tobacco signs to be posted at displays
- Reminders
 - Memos to remind employees of upcoming holidays/events
 - Pay Check Stuffers
 - Penalties for sale to minor; next to cash register
- Cash Registers and Electronic Store Systems
 - Systems to prompt employees to ID customers

Self Monitoring and other Measures to Ensure Compliance:

- Supervision and Accountability
 - Maintain Records
 - ❖ Check cash register or electronic age verifier to monitor overrides on age restricted products
 - ❖ Maintain records on training of new hires and retraining of seasoned employees
 - Emphasize Importance of Compliance to Employees\Monitor Staff Compliance
 - ❖ Internal Compliance checks
 - Videotapes
 - ❖ Use of security cameras
 - ❖ Review of Videotapes
 - ❖ Follow-up with employees
- Penalties for Sales to Minor 407.931.1
 - ✓ 1st Offense - \$25.00
 - ✓ 2nd Offense - \$100.00
 - ✓ 3rd and subsequent offense- \$250.00

MANAGER PERSONNEL POLICIES

Hiring Practices

- **When interviewing applicants, the following procedures are recommended:**
 - Always inform applicants that your store puts a high importance on complying with youth-access-to-tobacco laws. The information should include company policies and legal consequences of illegal sales to minors for clerks and permit holders.
 - ❖ Penalties for Sales to Minor 407.931.1
 - ✓ 1st Offense - \$25.00
 - ✓ 2nd Offense - \$100.00
 - ✓ 3rd and subsequent offense- \$250.00
 - Applicants should be screened for past violations of prohibitions on selling or supplying tobacco or other age restricted products to minors to include:
 - ❖ Asking the applicant to identify any violations of sales to minor's laws and checking the public records for sales to minors' violations when such records are available.
 - ❖ Checking with other employers for whom the applicant sold or supervised the sale of tobacco to learn if the applicant complied with the sales-to-minors laws.
 - Applicant's personality traits and abilities should be screened.
 - ❖ Check to see if applicant is:
 - ✓ Timid
 - ✓ Hostile
 - ✓ Easily stressed

- ✓ Easily distracted
- ✓ Able to add and subtract
- ✓ Literate
- ✓ Observant
- ✓ Do they smoke (doesn't exclude the, however, smoker's tend not to card for identification)

New Employee Training Practices:

- **When training a new employee, the following procedures are recommended:**
 - The training of all new employees should be conducted by the Store Manager and or Assistant Store Manager following the Company's in-house training program.
 - Provide comprehensive training to new hires, prior to their performance to any job duties involving tobacco sales or any age restricted products.
 - Provide information and materials on tobacco sales issues.
 - The new employee will attend or receive training, read the Employee training manual, and receive instruction from the Store Manager and, after completely understanding their responsibilities, they will sign a form regarding **Selling Age Restricted Products.**

Retraining Practices:

- **When retraining employees, the following procedures are recommended:**
 - Employees who have responsibilities related to tobacco sales but are not new hires should receive additional training

(recommended at least annually) to ensure they maintain the requisite knowledge, skill and motivation.

- ❖ At a minimum, this training should include a review of the applicable laws and company's written policies on sales to minors.
 - ❖ Also the training should include a review on how to use an age verification machine or a register scanner that can be used to verify age and not to use an override.
-
- On completion of the retraining, each employee should be required to take a post test and sign an acknowledgement that he or she has read and understands the laws set out in training.
 - Failure to pass the test, the employee should be required to attend an extensive type of training set out by the company.
 - On completion of this training, each employee should be required to take a post test and sign an acknowledgement that he or she has read and understands the policy statements and other information provided set out in training.

MANAGER TRAINING

Review the Federal, State, and Local Laws

Synar Amendment:

- ❖ Requires States to have laws in place prohibiting the sale and distribution of tobacco products to persons under 18 and to enforce those laws effectively. States are required to achieve a maximum sales-to-minors rate of not greater than 20%.

Missouri Revised Statutes, Chapter 407, and Merchandising Practices

Section 407.925- Definition of Restricted Tobacco Products

- ✓ Cigarettes
- ✓ Snuff
- ✓ Cigars
- ✓ Pipe Tobacco
- ✓ Chewing Tobacco
- ✓ Smokeless Tobacco
- ✓ Rolling Papers

Section 407.927-Required sign stating violation of state law to sell tobacco or tobacco products to minors under the age of eighteen. Display of sign required on tobacco displays and vending machines.

Section 407.928-Restriction on sales of individual packs of cigarettes

Section 407.929-A person or entity selling tobacco products or rolling papers or distributing tobacco products samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen.

Section 407.931.1-Unlawful to sell or distribute tobacco products to minors-what persons are liable-owners exempt, when-appeal to administrative hearing commission, when.

Section 407.931.2-Vending machines requirements.

Section 407.931.3-No person or entity shall sell, provides, or distributes any tobacco products or rolling papers to any minor, or sell any individual cigarettes to any person in this state.

Section 407.931.4-Penalites for Sale of Minors (Clerks)

Section 407.931.5-Penalites for Sale to Minors (Retailers/Owners)

Review Local Ordinances

Review the Retailers Polices on Youth Access to Tobacco

Review the Laws and Company Polices on Requiring Identification

Acceptable Forms of Identification

Company Policy on age that triggers asking for identification

- ❖ In Missouri, a person or entity selling tobacco products or rolling papers or distributing tobacco samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen.

Tips on Verifying ID' Authenticity

- Refer to the Triple C ID Section
- Refer to the How to Spot a Fake ID Section

Practical Techniques on Handling Recurring Situations

- Refusing a Sale
 - ❖ Remove the product from the customer's reach so they cannot throw the money down and grab it and leave the store.

- ❖ Continue processing their other items. If they have nothing else, move on to the next customer.
- ❖ Be polite and say:
 - ✓ No I'm sorry you have to be 18 or older to buy cigarettes or tobacco.
 - ✓ No I'm sorry it's against the law for me to sell cigarettes or tobacco to you.
 - ✓ No I'm sorry, but I could lose my job.
 - ✓ No I'm sorry, but I could be fined if I sell tobacco to you.
 - ✓ Point to the sign and explain to them that you cannot sell tobacco to them, it's against the law.

➤ Second Party Sale

- ❖ It is against the law for a person over the age of eighteen to buy cigarettes or other tobacco products for a minor (a person under 18), unless the minor is that person's child.
- ❖ If you have a feeling that someone is buying tobacco products for a child outside, let them know they can be fined for giving cigarettes to a minor.

➤ Hostile Customers

- ❖ If a customer threatens you, give them the cigarettes. Do not put yourself in danger. Get a good look at them and their car (if they have one) and call the police to let them know what happened.

MEMO

ATTN: ALL EMPLOYEES

FROM: STORE MANAGER

DATE:

RE: Sale of Tobacco to Minors

Employee Penalties for Violations of the Tobacco Products Laws:

- a. The employee will be subject to criminal penalties, which potentially include court appearances, fines, court costs, jail time and a criminal record.
- b. Further, the employee who violates these laws may be subject to disciplinary action by the company up to and including the loss of his or her job.

Company Penalties for Violations of the Tobacco Products Laws:

- a. The store where the tobacco product was illegally sold may have to pay a fine.
- b. Further, the store may lose the privilege to sell tobacco products for a minimum of 24 hours.

We have been informed that an employee has been charged with the sale of tobacco products to a minor. If the charge is accurate, the store has been in direct violation of the Company policy and the laws regarding the sale of tobacco products to under age individuals. Because of the charge that has been filed, it is mandatory that the store implements the following procedures immediately:

1. All store employees will be retrained as to the proper procedure for ensuring that we do not sell tobacco products to minors. This retraining is to be conducted by _____, and if applicable by the state.
2. Every employee operating the cash register is required to ask for identification of each customer who wishes to purchase tobacco products.
3. Every employee operating the cash register will not conduct a sale of tobacco products with the override or by pass key.

Upon completion of the retraining of Age Restricted Products, return all completed employee Selling Age Restricted Products forms to _____.

If you have any questions or concerns regarding the matters contained in this directive, please contact your supervisor.

MEMO

ATTN: ALL EMPLOYEES

FROM: STORE MANAGER

DATE:

HOMECOMING weekend is quickly approaching. Alcohol, tobacco and chewing tobacco sales will increase as well as the number of sting operations conducted by law enforcement.

Please make certain that all of your store employees know the importance of proper I.D. for the sale of age-restricted products. You must be re-trained on how to enter the birth date from the driver's license in the electronic age verifier. As a reminder, anyone that looks 30 years or younger must be carded and his or her birth date must be entered into the electronic age verifier for approval. If you have doubts as to whether the I.D. or driver's license is valid, if the person is under the age, of 30, contact the manager or supervisor on duty.

The law regarding the sale of age-restricted products is very clear:

1. No one under the age of 21 is allowed to purchase alcoholic beverages.
2. No one under the age of 18 is allowed to purchase tobacco products.
3. No one who is intoxicated is allowed to purchase alcoholic beverages.
4. No one who is a third party who provides the beverage to an under-age person is allowed to purchase alcoholic beverages.
5. No one who is a third party who provides the cigarettes or a tobacco product to an underage person is allowed to purchase tobacco products.
6. Employees are not allowed to sell age-restricted products after the hours set forth by the state, county, and city.

I want to stress the importance of requesting proper identification and verifying the information prior to making the sale. As store manager it is my responsibility to ensure that my employees take the necessary precautions. Stores can lose an alcohol license or the privilege to sell tobacco products, thus reducing the commissions you receive from lost sales.

**EMPLOYEES NEED TO KNOW THAT THEY CAN BE SUBJECT TO FINES
AND CRIMINALS PENALTIES ENFORCED BY LOCAL OR STATE
GOVERNMENT.**

WHEN IN DOUBT DON'T SELL

MEMO

ATTN: ALL EMPLOYEES

FROM: STORE MANAGER

DATE:

SUPERBOWL Sunday weekend is quickly approaching. Alcohol, tobacco and chewing tobacco sales will increase as well as the number of sting operations conducted by law enforcement.

Please make certain that all of your store employees know the importance of proper I.D. for the sale of age-restricted products. You must be re-trained on how to enter the birth date from the driver's license in the electronic age verifier. As a reminder, anyone that looks 30 years or younger must be carded and his or her birth date must be entered into the electronic age verifier for approval. If you have doubts as to whether the I.D. or driver's license is valid, if the person is under the age, of 30, contact the manager or supervisor on duty.

The law regarding the sale of age-restricted products is very clear:

1. No one under the age of 21 is allowed to purchase alcoholic beverages.
2. No one under the age of 18 is allowed to purchase tobacco products.
3. No one who is intoxicated is allowed to purchase alcoholic beverages.
4. No one who is a third party who provides the beverage to an under-age person is allowed to purchase alcoholic beverages.
5. No one who is a third party who provides the cigarettes or a tobacco product to an underage person is allowed to purchase tobacco products.
6. Employees are not allowed to sell age-restricted products after the hours set forth by the state, county, and city.

I want to stress the importance of requesting proper identification and verifying the information prior to making the sale. As store manager it is my responsibility to ensure that my employees take the necessary precautions. Stores can lose an alcohol license or the privilege to sell tobacco products, thus reducing the commissions you receive from lost sales.

**EMPLOYEES NEED TO KNOW THAT THEY CAN BE SUBJECT TO FINES
AND CRIMINALS PENALTIES ENFORCED BY LOCAL OR STATE
GOVERNMENT.**

WHEN IN DOUBT DON'T SELL

MEMO

ATTN: ALL EMPLOYEES

FROM: STORE MANAGER

DATE:

PROM weekend is quickly approaching. Alcohol, tobacco and chewing tobacco sales will increase as well as the number of sting operations conducted by law enforcement.

Please make certain that all of your store employees know the importance of proper I.D. for the sale of age-restricted products. You must be re-trained on how to enter the birth date from the driver's license in the electronic age verifier. As a reminder, anyone that looks 30 years or younger must be carded and his or her birth date must be entered into the electronic age verifier for approval. If you have doubts as to whether the I.D. or driver's license is valid, if the person is under the age, of 30, contact the manager or supervisor on duty.

The law regarding the sale of age-restricted products is very clear:

1. No one under the age of 21 is allowed to purchase alcoholic beverages.
2. No one under the age of 18 is allowed to purchase tobacco products.
3. No one who is intoxicated is allowed to purchase alcoholic beverages.
4. No one who is a third party who provides the beverage to an under-age person is allowed to purchase alcoholic beverages.
5. No one who is a third party who provides the cigarettes or a tobacco product to an underage person is allowed to purchase tobacco products.
6. Employees are not allowed to sell age-restricted products after the hours set forth by the state, county, and city.

I want to stress the importance of requesting proper identification and verifying the information prior to making the sale. As store manager it is my responsibility to ensure that my employees take the necessary precautions. Stores can lose an alcohol license or the privilege to sell tobacco products, thus reducing the commissions you receive from lost sales.

**EMPLOYEES NEED TO KNOW THAT THEY CAN BE SUBJECT TO FINES
AND CRIMINALS PENALTIES ENFORCED BY LOCAL OR STATE
GOVERNMENT.**

WHEN IN DOUBT DON'T SELL

MEMO

ATTN: ALL EMPLOYEES

FROM: STORE MANAGER

DATE:

MEMORIAL DAY weekend is quickly approaching. Alcohol, tobacco and chewing tobacco sales will increase as well as the number of sting operations conducted by law enforcement.

Please make certain that all of your store employees know the importance of proper I.D. for the sale of age-restricted products. You must be re-trained on how to enter the birth date from the driver's license in the electronic age verifier. As a reminder, anyone that looks 30 years or younger must be carded and his or her birth date must be entered into the electronic age verifier for approval. If you have doubts as to whether the I.D. or driver's license is valid, if the person is under the age, of 30, contact the manager or supervisor on duty.

The law regarding the sale of age-restricted products is very clear:

1. No one under the age of 21 is allowed to purchase alcoholic beverages.
2. No one under the age of 18 is allowed to purchase tobacco products.
3. No one who is intoxicated is allowed to purchase alcoholic beverages.
4. No one who is a third party who provides the beverage to an under-age person is allowed to purchase alcoholic beverages.
5. No one who is a third party who provides the cigarettes or a tobacco product to an underage person is allowed to purchase tobacco products.
6. Employees are not allowed to sell age-restricted products after the hours set forth by the state, county, and city.

I want to stress the importance of requesting proper identification and verifying the information prior to making the sale. As store manager it is my responsibility to ensure that my employees take the necessary precautions. Stores can lose an alcohol license or the privilege to sell tobacco products, thus reducing the commissions you receive from lost sales.

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AND CRIMINALS PENALTIES ENFORCED BY LOCAL OR STATE
GOVERNMENT.**

WHEN IN DOUBT DON'T SELL

MEMO

ATTN: ALL EMPLOYEES

FROM: STORE MANAGER

DATE:

FOURTH OF JULY weekend is quickly approaching. Alcohol, tobacco and chewing tobacco sales will increase as well as the number of sting operations conducted by law enforcement.

Please make certain that all of your store employees know the importance of proper I.D. for the sale of age-restricted products. You must be re-trained on how to enter the birth date from the driver's license in the electronic age verifier. As a reminder, anyone that looks 30 years or younger must be carded and his or her birth date must be entered into the electronic age verifier for approval. If you have doubts as to whether the I.D. or driver's license is valid, if the person is under the age, of 30, contact the manager or supervisor on duty.

The law regarding the sale of age-restricted products is very clear:

1. No one under the age of 21 is allowed to purchase alcoholic beverages.
2. No one under the age of 18 is allowed to purchase tobacco products.
3. No one who is intoxicated is allowed to purchase alcoholic beverages.
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5. No one who is a third party who provides the cigarettes or a tobacco product to an underage person is allowed to purchase tobacco products.
6. Employees are not allowed to sell age-restricted products after the hours set forth by the state, county, and city.

I want to stress the importance of requesting proper identification and verifying the information prior to making the sale. As store manager it is my responsibility to ensure that my employees take the necessary precautions. Stores can lose an alcohol license or the privilege to sell tobacco products, thus reducing the commissions you receive from lost sales.

**EMPLOYEES NEED TO KNOW THAT THEY CAN BE SUBJECT TO FINES
AND CRIMINALS PENALTIES ENFORCED BY LOCAL OR STATE
GOVERNMENT.**

WHEN IN DOUBT DON'T SELL

CUSTOMER SITUATIONS

Listed below are some customer situations you may encounter:

- Minor attempting to purchase tobacco
- Abusive customer
- Peer pressure
- Adult buying for minor
- Minor buying for adult
- Customer who takes the product and leaves money

1. Minor attempting to purchase tobacco:

In this situation politely explain the law. Don't accuse them of being underage; this will often start an argument. If they insist that they are of legal age, don't argue with them. Simply tell them that state law requires that you see identification for proof of age.

“I'm sorry, but it's against the law. We need to see an ID. I'd be happy to hold this for you while you go get it.”

2. Abusive Customer:

Confrontations with customers over age-restricted products may be the most challenging aspect of your job. Knowing which steps you should take when such an incident occurs is critical to properly handling the situation. If a customer starts to argue or becomes abusive, say something like the following:

“I'm sorry. It's against the law. I can get fined and lose my job. Is there anything else I can get you?”

3. Peer Pressure:

Often friends who are underage will attempt to purchase alcohol and or tobacco products while you are working. It is important that you refuse these sales.

If an underage friend tries to pressure you into making an illegal sale, you should say something like the following:

“I’m sorry. It’s against the law. I can be fined and even lose my job. The video cameras are on, and we would both get in a lot of trouble.”

4. Adult buying for minor:

Occasionally you will be faced with a situation where a customer over 18 or 21 is buying for a minor. Under the law you are required to verify that the person you are selling to is over 18. If you have reason to believe that an adult customer is buying alcohol and or tobacco on behalf of a minor, the responsible thing to do is to refuse the sale.

“I’m sorry. I saw those kids give you money (or ask for these). I have reason to believe these will be given to a minor. I could lose my job if I make this sale.”

5. Minor buying for adult:

Some parents may send their child to purchase alcohol and or tobacco products for them. In this case, simply explain to the minor that the parent must come in the store and make the purchase.

“I’m sorry. It’s against the law. Your mother and father must come in to buy this. I could get fined or even lose my job for selling this to you.”

6. Customer takes the product but leaves money:

If you refuse a sale and the customer takes the product but leaves money on the counter, treat it as a theft. Don’t ring up the sale. Get a description of the person, and notify your supervisor.

ALL STORE PERSONNEL

Must make every reasonable effort:

To cooperate in the enforcement of applicable youth access laws by making timely reports to law enforcement authorities of violation of laws:

- Prohibiting possession, purchase, or attempts to purchase tobacco by minors:
- Prohibiting persons from supplying tobacco to minors:
- Prohibiting the theft of tobacco; and
- Prohibiting the alteration or misuses of I.D.s in connection with an attempt to purchase tobacco.

Must treat the following products as tobacco products for compliance purposes:

- Cigarettes of all kinds;
- Cigars;
- Loose tobacco/Powered Tobacco;
- Chewing Tobacco;
- Smokeless Tobacco;
- Snuff;
- Smoking Aids such as rolling papers; lighters; matches and pipes and
- Any other product containing tobacco of any type or made from tobacco leaves, in whole or in part.

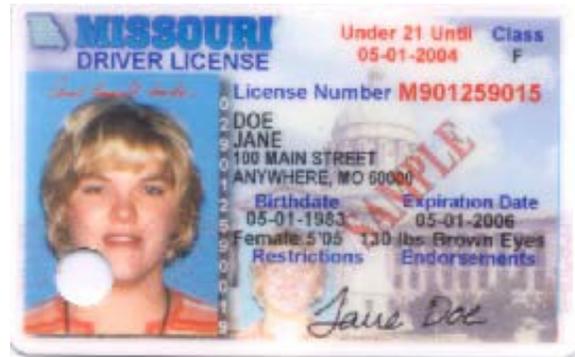
ACCEPTABLE IDENTIFICATION

- **VALID** and **UNEXPIRED** MO Driver's License or Non-Driver's License
- **VALID** and **UNEXPIRED** Driver's License from any state
- **VALID** Passport or a Military ID

New Missouri Driver's Licenses

Front Over 21

Front Under 21



Back

I hereby make an anatomical gift upon my death.			
<input type="checkbox"/> Any Organ <input type="checkbox"/> Specifically:			
Signature of Donor			Date
1st Witness	2nd Witness	Medical Alert	Blood Type
Name of Licensee's Attorney in Fact for Health Care Decisions			
Address	City	State	Zip Code

Missouri License Features

- ✓ Date and Image are Permanently Fused Between Two Layers of Material
- ✓ Hologram of State Seals Across the Bottom
- ✓ The outline of the state with “**SHOW ME**” Only Visible Under **Ultraviolet** Light
- ✓ Ghost Image of larger photo
- ✓ Photo of Minor on Left
- ✓ 21st Birthday Indicated on the Top of License
- ✓ Intermediate Licenses have **Missouri** purple in color indicating under 18 years of age.

New Missouri Id and Driver License’s Security Features



Detecting Fake IDs

- ✓ Have them take the ID out of the wallet
- ✓ Feel the ID for texture and thickness
- ✓ Check DOB
- ✓ Check the expiration date
- ✓ Compare photo and physical description
- ✓ Examine back of ID
- ✓ Refer to ID Checking Guide
- ✓ Ask questions (dob, ss#, address, and/or eye color)
- ✓ Request and examine a second form of ID

BASIC INFORMATION ON FALSE OR FAKE IDENTIFICATION

FALSE ID'S FALL IN THREE CATEGORIES:

1. Fake
2. Altered
3. Borrowed

FAKE ID'S:

Fake ID's are usually of two types:

1. Driver's licenses
2. Identification cards.

Identification cards, often manufactured by mail order firms, may have no legal counterpart, making illegal ones harder to detect. However, they may still contain anomalies which can alert officials to their lack of authenticity.

For example, a fake driver's license may be of a different thickness, size, or color. Letter and numbers may be a different typeface. Often counterfeiters spend a lot of time reproducing the front of the card and just photocopy the back, leaving it blurry or dark.

ALTERED ID'S

Altered ID's may show signs of tampering in several places, such as numbers photograph, and laminate. The birth date, driver's license number, height, and weight may be scratched out, blurred or inked over. A photograph may have been inserted over the original, which may partially cover the state seal. Changes in the laminate may indicated tampering. If the glue lines are edges appear rough, especially near the photograph, it may indicate it was pried apart and then resealed.

BORROWED ID'S

Person's **under 21** or **18** will often borrow identification from those who can drink legally. Although appearances may change, even subtle difference between individual presenting the ID and the photograph or physical description on the card should be questioned. Also included in this category are duplicate or expired cards. An expired driver's license or one marked '**DUPL**' may not belong to the person it.

TRIPLE C ID
CHECK ID
CONFIRM IDENTITY
CALCULATE AGE

- Remind employees to request picture identification (ID) from anyone purchasing alcohol and or tobacco. Have employees practice a short phrase such as “May I see some picture ID, please?” Do not simply ask customer their age, **Instruct the employee to have the customer remove the ID from the plastic holder or wallet.**
- Instruct employees on **how to read an ID.** Valid ID includes a VALID and UNEXPIRED Missouri Driver’s License, VALID and UNEXPIRED Driver’s License from any State, a MO Non-Driver’s License and, a VALID Passport or a Military ID.
- Instruct employees that **checking** ID is not enough. Clerks must **confirm** that the identity on the card matches the potential customer. Clerks must also **calculate** age. Post signage to help **all** employees with calculation.
- Instruct employees how to calculate age, by subtracting 18 years from the current date. For instance, if today is 9-1-06, the customer’s birth date must be 9-1-88 or earlier to make him or her old enough to buy tobacco.
- Explain to employees that checking ID is the best way to make sure tobacco is not sold to anyone under the age of 18. Caution employees against relying on visual on visual appearances. Height build, facial hair, makeup, clothing and attitude may lead employees to assume teens are older than they are.

- Remind employees they cannot sell tobacco products to anyone under age of 18 even if the youth states it is for a parent. A written not from a parent or guardian giving permission is **NOT ACCEPTABLE.**

SEIZING AN ID OR DRIVER'S LICENSE

Recommendations:

The Division of Alcohol and Tobacco Control does not recommend that clerks or managers seize driver's licenses and or identification cards.

It should be noted that neither the store nor its employees have authority to seize driver's licenses or identifications cards.

SAFETY is foremost in attempting or seizing driver's licenses and or identification cards.

Should there be any confrontation, let the customer have it.

- Get license plate number if possible.
- Get description of the individual.
- Call the police.
- Make a good witness.

Clerks and managers if attempting to seize a driver's license or identification card, from a customer they should be sure that the customer is attempting to use a borrowed, altered or fake identification or driver's license before attempting to seize it.

If the store or company has developed a policy regarding seizing driver's licenses and or identification cards, it should be strictly adhered to.

Frequently asked Questions Regarding Cigarettes or other Tobacco Products

1. How old do you have to be to sell cigarettes?

There is no minimum age requirement to sell cigarettes.

2. Do you have to have a license to sell cigarettes?

At this time the State of Missouri does not require a license to sell cigarettes or other tobacco products.

3. Where do I get a license to sell cigarettes?

At this time the State of Missouri does not require a license to sell cigarettes or other tobacco products. However, a potential retailer has to register with the Department of Revenue, their intention to sell cigarettes and or tobacco products.

4. Do I have to buy my cigarettes from a wholesaler?

No, but the retailer should make sure the excise taxes are paid on the cigarettes by looking for the tax stamp on the bottom of the cigarette pack.

5. Do my cigarettes have to be behind a counter?

Since the New FDA Requirements beginning June 22, 2010. The State of Missouri will require that the retailers be compliant with the FDA Regulations.

FDA Requires: Retailers of tobacco products MUST:

- Only sell cigarettes or smokeless tobacco in direct, face-to-face transactions (21 CFR 1140.14(c), 1140.16(c)).
- Not have in your facility tobacco vending machines or self-service displays unless you ensure that persons younger than 18 years of age are never present or permitted to enter at any time (21 CFR 1140.16(c)).
- Not break or otherwise open packages of cigarettes to sell or distribute single cigarettes or any package with less than 20 cigarettes (21 CFR 1140.14(d), 21 CFR 1140.16(b)).
- Not break or otherwise open packages of smokeless tobacco to sell or distribute any quantity of cigarette tobacco or smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual use (21 CFR 1140.14(d)).

- Not distribute free samples of tobacco products, except for samples of smokeless tobacco products in a qualified adult-only facility, as defined by the regulations (21 CFR 1140.16(d)).

State Law requires:

- It is sold through a vending machine with a lock out device or
- It is displayed behind the check-out counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter

6. What is the penalty for selling cigarettes to a minor?

State Penalties are:

Any person caught selling cigarettes to a minor may receive:

- 1st Offense- \$25.00 fine
- 2nd Offense- \$100.00 fine
- 3rd and Subsequent- \$250.00 fine

FDA Penalties are: Specifically, section 103(q) (2) (A) defines the civil money penalty structure as follows:

i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed –

(I) in the case of the first violation, \$0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, \$250;

(III) in the case of a third violation within a 24-month period, \$500;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed -

- (I) in the case of the first violation, \$250;
- (II) in the case of a second violation within a 12-month period, \$500;
- (III) in the case of a third violation within a 24-month period, \$1,000;
- (IV) in the case of a fourth violation within a 24-month period, \$2,000;
- (V) in the case of a fifth violation within a 36-month period, \$5,000; and
- (VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

For the first three violations in a 24-month period, retailers with an approved training program are subject to lower maximum penalties than retailers without such programs. Section 103(q) (2)(B) of the Tobacco Control Act defines “approved training program” as a training program that complies with standards developed by the FDA for such programs. The FFDCA further provides that the amount of civil money penalty ultimately assessed shall take into account, among other things, the degree of culpability of the violator. (3) FDA intends to promulgate regulations establishing standards for approved retailer training programs. In the interim, however, for retailers who wish to implement an effective training program for employees, FDA is issuing this guidance to provide recommendations on elements the agency believes should be included in such a program. Until FDA promulgates these regulations, the agency intends to use the lower maximum civil money penalties schedule for all retailers who violate the regulations restricting the sale and distribution of cigarettes and smokeless tobacco products, (4) whether or not they have implemented a training program. However, FDA may consider further reducing the civil money penalty for retailers who have implemented a training program.

In addition to civil money penalties, the statute allows the Secretary to impose no-tobacco-sale orders on retailers who repeatedly violate restrictions promulgated under section 906(d) of the FFDCA, as amended by the Tobacco Control Act. Specifically, section 103(c) of the Tobacco Control Act amends section 303(f) of the FFDCA to add the following:

“If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco sale

order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty.”

7. Can I sell rolling papers to anyone under eighteen?

No, by the definition in 407.925 RSMo- “rolling papers” is defined as paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco; which enables a person to roll loose tobacco into a smokeable cigarette.

8. Where can I get tobacco training?

Training can be obtained by contacting Tobacco Program Manager for Tobacco Merchant Education or training can be obtained by contacting the Missouri Department of Mental Health, the Division of Alcohol and Drug Abuse at 1-800-575-7480 or at www.dmh.missouri.gov and the We Card Program at www.wecard.com.

You can also go to the FDA Website :

<http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/Retailer/ucm217770.htm>

9. Where can I get the calendars that calculate the age for you?

The calendars can be purchased through the “We Card Program” at www.wecard.com.

10. What happens to the minor who is caught buying cigarettes from my store?

If a minor is caught purchasing cigarettes, the minor shall be penalized by:
1st Offense- Infraction and cigarettes or tobacco products confiscated
2nd Offense & Subsequent violations - Infraction, cigarettes or tobacco products confiscated, and shall complete a tobacco education or smoking cessation program.

11. How old does a person have to look before you have to card them?

Since the New FDA Requirements beginning June 22, 2010, Federal Regulation or the FDA - Retailers of tobacco products must: (1) not sell cigarettes or smokeless tobacco to persons younger than 18 years of age (21 CFR 1140.14(a)); and (2) verify the age of purchasers of cigarettes or

smokeless tobacco by means of photographic identification that contains the bearer's date of birth for any person younger than 27 years of age (21 CFR 1140.14(b)).

State of Missouri State Law says- A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen.

**THE MISSOURI “SHOW ME”
TEST
ALCOHOL AND TOBACCO
LAWS**

"Show Me"



Your ID

Missouri Division of Alcohol and Tobacco Control

THE MISSOURI “SHOW ME” QUIZ FOR RETAILERS

1. The FDA definition of a cigarette is:

- a. any roll of tobacco wrapped in paper or in any substance not containing tobacco
- b. any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette
- c. an item manufactured of tobacco or any substitute, wrapped in paper or any substitute, weighing not to exceed three(3) pounds per one thousand (1,000) cigarettes and which is commonly classified, labeled or advertised as a cigarette
- d. none of these
- e. all of these

2. Can a parent have their underage child purchase tobacco products?

- a. Yes
- b. No
- c. Only when they explain it is for the parent's use
- d. Only if the parent is in the store

3. Under state law, who is penalized if an illegal sale of tobacco products is made to a minor?

- a. The supervisor
- b. The clerk
- c. The retailer
- d. A & B
- e. B & C

4. The FDA Regulations do not apply to rolling papers, however, if there is a state law prohibiting rolling papers to be sold to anyone less than 18 years of age. You do not have to comply with State law?

- a. True
- b. False

5. What type of identification is acceptable to purchase tobacco products?

- a. Expired Driver's license
- b. Passport
- c. Valid Photo Identification Card
- d. All of the above
- e. B & C

6. Fines for a clerk for the sale of tobacco to minors can range from:

- a. \$25 - \$250
- b. \$100-\$500
- c. \$500-\$1000

7. Penalties to a retailer (store) for violations to Missouri's minimum-age tobacco laws can range from:

- a. Written reprimand
- b. No sales for one day
- c. No sales for 48 hours
- d. No sales for 5 days
- e. All of the above

8. Can you sell tobacco to someone who was born on July 16, 1994?

- a. Yes
- b. No

9. The new Federal Requirement limits tobacco product sales to direct, face-to-face exchanges (mail order is an exception). Vending machines

and self-service displays are prohibited in places where no one under 18 is allowed to enter.

- a. True
- b. False

10. What is a compliance check?

- a. State officials with trained minors attempting to purchase alcohol or tobacco products
- b. A test to see if the clerk will sell to a minor
- c. Store checks conducted by the owners
- d. Local police with trained minors attempting to purchase
- e. All of the above
- f. None of the above

11. FDA Regulations state that a retailer can continue to offer any gift or item to any person purchasing cigarettes or smokeless tobacco in consideration of (a) the purchase of the cigarettes or smokeless tobacco product or (b) providing evidence of such purchase, such as credits, proofs-of-purchase, or coupons (21 CFR 1140.34(b)).

- a. True
- b. False

12. Which products are legal to sell to a minor?

- a. Cigarettes
- b. Chewing Tobacco
- c. Bidi's
- d. Blunts
- e. Rolling Papers
- f. None of the Above

13. FDA requires verification of the age of purchasers of cigarettes or smokeless tobacco who are under the age of 32 by means of photographic identification that contains the bearer's date of birth (21 CFR 1140.14(b)).

- a. Yes
- b. No

14. If someone is born on April 4, 1986, and today's date is November 27, 2001, is he or she old enough to purchase tobacco products?

- a. Yes
- b. No

15. If minors are allowed in the premise, can a retailer sell cigarettes through a vending machine?

- a. Yes, if the machine is not accessible to minors or equipped with a lock-out device or in direct line of view of an employee
- b. Yes, if the machine only takes dollar bills
- c. No, cigarette vending machines are not allowed in this circumstance
- d. Yes, if a parent is with the minor.

16. The definition of "proof of age" is a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

- a. yes
- b. no

17. Sign shall be posted at:

- a. every display that sell or vend tobacco or tobacco products
- b. only on the door of the store
- c. at the point of sale
- d. at stores that only sell tobacco products

18. According to the Missouri Department of Labor and Industrial Relations, a fourteen or fifteen year old can legally work as a clerk and sell tobacco products.

- a. yes
- b. no

19. The first thing to do to in determining if an ID is fake is:

_____.

20. When a minor is working for the Division of Alcohol and Tobacco Control, conducting compliance checks they can present fake identification to the clerk?

- a. True
- b. False

ANSWER SHEET

1. D
2. B (No)
3. E. (B & C)
4. B (False)
5. E (B & C)
6. A (\$25-\$250)
7. E (All of the above)
8. B (No)
9. B (False)
10. E (All of the above)
11. B (False)
12. F (All of the above)
13. B (No)
14. B (No) Ask for an ID/Driver's License
15. C (No)
16. A (Yes)
17. A (At every display)
18. A (Yes)
19. Ask for an ID/Driver's License
20. B (False)

CONTACT INFORMATION

Division of Alcohol and Tobacco Control Tobacco Program

1738 E. Elm Lower Level,

Jefferson City, MO 65101

Phone: (573) 751-4092

Fax: (573) 522-4219

<http://www.atc.dps.mo.gov>

FDA (Food and Drug Administration) Center for Tobacco Products Educational Materials

<http://www.fda.gov/TobaccoProducts/ResourcesforYou/BreakTheChain> or

<http://www.fda.gov/TobaccoProducts/>

Department of Mental Health Division of Alcohol and Drug Abuse

www.dmh.mo.gov

1706 E. Elm St.

Jefferson City, MO 65102

Main Line: 573-751-4122

Tobacco Coordinator: Amanda Baker

573-751-9414

Email Address: Amanda.Baker@dmh.mo.gov

Department of Revenue Cigarette Tax

P.O. Box 811

Jefferson City, MO 65105-0811

Phone: (573) 751-7163

Fax: (573) 522-1720

<http://dor.mo.gov/business/tobacco/>

Email Address: excise@dor.mo.gov

**Department of Revenue
Tobacco Products Tax**

P.O. Box 3320
Jefferson City, MO 65105-3320
Phone: (573) 751-5772
Fax: (573) 522-1720
Email Address: excise@dor.mo.gov

**Department of Labor & Industrial Relations
Division of Labor Standards**

3315 W. Truman Boulevard
Room 205
P.O. Box 449
Jefferson City, MO 65102
(573) 751-3403
Fax: (573) 751-3721
<http://www.labor.mo.gov/DLS/YouthEmployment/>
Email Address: laborstandards@dolir.mo.gov