

Tobacco Sales

What you need to know
before you make the sale!



Training provided by:
New York State Association of Service Stations & Repair Shops, Inc.

Training Checklist

Managers should discuss the following areas with each new employee by explaining the legal position on each subject as well as the store policy. This review is intended to be conducted in conjunction with a certified tobacco training course, not as a replacement.

List all restricted tobacco products.

Acceptable forms of identification.

Clues that an ID may be fake or altered.

Fines and disciplinary action for making an illegal tobacco sale.

How to request an ID.

Items to review on an ID.

How to properly refuse a sale.

Why you should not use the words, “I can’t” when refusing a sale.

Other phrases and comments to avoid that may start arguments.

What to do and say when a minor presents their underage ID.

What to do and say when presented with a fake ID.

How to handle a 2nd party sale.

How to handle an adult who requests more than one pack of cigarettes after you observed the same adult talking to a minor.

How to handle an adult who requests tobacco after you observed them taking money from potential minors.

How to handle a minor purchasing for a parent.

How to handle a parent purchasing for their child.

How to handle an adult offering to buy for a customer who forgot their ID.

How to handle a regular customer who does not have their ID.

How to handle peer pressure. (Refer to the store's video cameras.)

How to handle a threatening situation.

Introduction

History of tobacco laws
Tobacco health hazards – general
Clerk Responsibility
Owner Responsibility
Purchaser Responsibility
Pretest review

History of the Tobacco Laws

1965 NY Chapter 1031 Section 89 page 2620
renumbered in 1993 as
Public Health Law Article 13F Section 1399-cc

In 1965, in response to a federal mandate indicating the need for states to protect children from those that would sell them tobacco, New York passed its first law regulating the sales of tobacco products to youths. The law, made it unlawful for retailers to sell cigarettes to minors under the age of eighteen. It also required signs to be posted to that effect. It did not however create any penalties or method of enforcement.

History of the Tobacco Laws

Adolescent Tobacco Use Prevention Act (ATUPA)
1992 N.Y. chapter 799 modifying sections
Public Health Law Article 13F Section 1399-t, cc & ee

The bill created enforcement authorities. County boards of health were entrusted with ensuring that the ATUPA laws were being followed. To assist them they were made capable of levying fines of 100 to 300 dollars on businesses not found to be in compliance with the act.

History of the Tobacco Laws

Since then, enforcement has been further strengthened. As of 2001, in addition to local newspapers publishing violations, the following penalty structure was in effect:

First violation -- Fines of \$300 to \$1000

Second violation -- Fines from \$500 to \$1500, tobacco registration and lottery license suspended for 6 months

Third and subsequent violations -- Fines from \$500 to \$1500, tobacco registration revoked for 1 year after which reapplication is required, lottery license revoked permanently

Violation while tobacco registration suspended or revoked -- Fine of \$2,500 and permanent revocation

Additional laws eliminated self-service displays, and restricted the location of vending machines. By the year 2000 vendor compliance had reached an all time high of 88 percent. A report by the Attorney General's office indicated that rather than further stiffening penalties for store owners, better compliance might be achieved by creating a system to educate clerks. Chapter 162 of the 2002 Laws of New York created such training and reduced the penalties on store owners for violations where clerks had received a certificate of training.

You are now receiving this training. It is up to you to put it to good use. When you leave here today you will become the front line in the battle to stop literally thousands of children who each day make the decision to start smoking. You can help by putting to use what you will learn here. By not making the sale to underage smokers, you will make it harder for them to make the decision to smoke.

KNOWLEDGE IS POWER!

Deaths Caused by Tobacco

- lung and other cancers*
- cardiovascular (heart) diseases*
- infant deaths attributed to maternal smoking
- burn deaths resulting from smoking caused fires (more than 700 - 900 deaths/year nationwide!)
- These premature deaths also include deaths from lung cancer and heart disease attributable to exposure to secondhand smoke.

One in Every Five Deaths is Attributable to Smoking.

Smoking kills more people than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined

Thousands more die from other tobacco-related causes

Such as fires caused by smoking and illness from smokeless tobacco use.

Illness Caused by Tobacco

Smoking Remains a Major Risk for:

lung cancer

heart disease

chronic respiratory disease (emphysema and bronchitis)

cancers of the lip, mouth, throat, larynx, bladder, pancreas, stomach, kidney and cervix

Children Whose Parents Smoke **Are More Likely To Get**

- pneumonia
- bronchitis
- ear infections
- severe asthma

Pregnant Women **Who are Around Cigarette Smoke** **Have a Greater Chance of**

- getting colds, headaches and even cancer
- having a more difficult delivery
- having a smaller than average baby who has to stay in the hospital longer
- having a sick baby who is fussy and cries a lot

Smokers are More Likely to

- get colds and flu
- have gum disease
- experience fertility problems
- become impotent
- get cataracts
- have shortness of breath and wheezing

The Health Consequences of Tobacco Use

Tobacco is the single most preventable cause of death in the world today. This year, tobacco will kill more than five million people worldwide- more than tuberculosis, HIV/AIDS and malaria combined. By 2030, the death toll will exceed eight million a year. Tobacco could kill one billion people during this century.

Cigarette Smoking

There is no “Safe Cigarette”...

In the US, cigarette smoking causes an estimated 438,000 deaths, or about one out of every five deaths each year. Approximately 38,000 of these deaths are from secondhand smoke exposure.

An estimated 20.8% of adults (45.3 million people) smoke cigarettes in the United States. Ninety percent of these people were addicted to cigarettes before age 21. Each day 4,000 children under age 18 try their first cigarette. 1,300 of them will become regular smokers.

Smoking and Health

The average adult who smokes cigarettes dies 14 years earlier than a non-smoker. Based on current smoking patterns an estimated 25 million Americans who are alive today will die prematurely from smoking-related illnesses, including 8 million people younger than 18.

Smoking causes about 90% of lung cancer deaths in women and almost 80% of lung cancer deaths in men. Men who smoke have a 23% greater chance of dying from lung cancer, and women who smoke have a 13% higher chance compared to those who have never smoked.

In addition to the lungs, smoking hurts every organ in the body and causes cancer of the bladder, mouth, throat, cervix, kidney, pancreas, stomach, and has also been shown to cause leukemia, and even osteoporosis.

Smokers are more likely to catch colds and the flu, have gum disease, be infertile or impotent, have cataracts, and experience shortness of breath and wheezing.

When a pregnant woman smokes she increases the chances her baby will be smaller than average. Her baby may be sick, fussy and cry a lot.

Smokeless Tobacco
Smokeless Tobacco is not
a safe substitute for cigarettes...

Second Hand Smoke

Second hand smoke causes premature death and disease in children and adults who do not smoke. Immediate adverse affects can be seen on the heart and blood circulation upon exposure.

Second-hand smoke also has serious and often fatal health consequences. In the United States, second-hand smoke causes about 3,400 lung cancer deaths and 46,000 heart disease deaths a year. Second-hand smoke is responsible in the United States for an estimated 430 cases of sudden infant death syndrome, 24,500 low-birth-weight babies, 71,900 pre-term deliveries and 200,000 episodes of childhood asthma annually.

Smoking by parents also causes breathing symptoms and slows lung growth in children.

The Health Consequences of Tobacco Use

Economic Impacts of Tobacco

What is the true cost of Tobacco use?...

- Tobacco use results in an annual direct medical cost of more than \$81 billion. In New York State the annual health costs of smoking are \$8.17 billion, while Medicaid covers only \$5.47 billion. The rest is picked up by the taxpayers.
- Smoking-caused productivity losses in New York are \$5.30 billion. In the United States, these losses are estimated at US\$ 92 billion a year.
- Smoking results in more than 5.6 million years of potential life lost each year. More than 8 million children living today will die prematurely because of a decision they will make as adolescents- the decision to smoke cigarettes.
- In the US 700-900 people die each year from fires caused by careless smoking. In New York State over 600 smoking related fires were reported in 2007 causing over 30 injuries and deaths

Do you want to stop smoking or assist someone else to stop smoking, or just ask a question about smoking? Contact the

New York State QUITLINE @ 1-888-609-6292

or visit

**[www.health.state.ny.us/nysdoh/
smoking/quitline.html](http://www.health.state.ny.us/nysdoh/smoking/quitline.html)**

Source: Centers for Disease Control and Prevention www.cdc.gov

The World Health Organization www.who.int/en/

New York State Department of Health www.health.state.ny.us

American Lung Association www.lungusa.org

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Smoking and Health

- ❖ The average adult who smokes cigarettes dies 14 years earlier than a non-smoker. Based on current smoking patterns an estimated 25 million Americans who are alive today will die prematurely from smoking-related illnesses, including 5 million people younger than 18.
- ❖ Smoking causes about 90% of lung cancer deaths in women and almost 80% of lung cancer deaths in men. Men who smoke have a 23% greater chance of dying from lung cancer, and women who smoke have a 13% higher chance compared to never smokers.
- ❖ In addition to the lungs, smoking hurts every organ in the body and causes cancer of the bladder, mouth, throat, cervix, kidney, pancreas, stomach, and has also been shown to cause leukemia, and even osteoporosis.
- ❖ Smokers are more likely to catch colds and the flu, have gum disease, be infertile or impotent, have cataracts, and experience shortness of breath and wheezing.
- ❖ When a pregnant woman smokes she increases the chances her baby will be smaller than average. Her baby may be sick, fussy and cry a lot.

Smokeless Tobacco

Smokeless Tobacco is not a safe substitute for cigarettes...

- ❖ Smokeless tobacco use leads to nicotine addiction and dependence. Nationally 3% of adults use smokeless tobacco. Adolescents that use smokeless tobacco are more likely to become cigarette smokers. There are 28 known carcinogens in smokeless tobacco. These chemicals cause cancer of the mouth, throat, and of the digestive tract when the user swallows tobacco juices.

Second Hand Smoke

Smoking not only hurts the smoker...

There is no "Safe" level of second hand smoke.

- ❖ Second hand smoke causes premature death and disease in children and adults who do not smoke. Immediate adverse effects can be seen on the heart and blood circulation upon exposure.
- ❖ Second-hand smoke also has serious and often fatal health consequences. In the United States, second-hand smoke causes about 3,400 lung cancer deaths and 46,000 heart disease deaths a year. Second-hand smoke is responsible in the United States for an estimated 430 cases of sudden infant death syndrome, 24,500 low-birth-weight babies, 71,900 pre-term deliveries and 200,000 episodes of childhood asthma annually.
- ❖ Smoking by parents also causes breathing symptoms and slows lung growth in children.

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- ❖ In the US 700-900 people die each year from fires caused by careless smoking. In New York State over 600 smoking related fires were reported in 2007 causing over 30 injuries and deaths.

Do you want to stop smoking or assist someone else to stop smoking, or just ask a question about smoking? Contact the
New York State QUITLINE @ 1-866-697-8487

or visit

www.nysmokefree.com

Source: Centers for Disease Control and Prevention www.cdc.gov
The World Health Organization www.who.int/en/
New York State Department of Health www.health.state.ny.us
American Lung Association www.lungusa.org

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Clerk's Responsibility

- Ensure that tobacco product sales are not made directly to a minor. In doing so, the clerk by law is required to ID all people who appear to be under the age of 27.
- Refuse to sell tobacco products to an adult that you have reason to believe will supply the product to a minor.
- Ensure that all tobacco products sold are offered legally for sale (i.e. not to sell loose cigarettes)

Owner's Responsibility

- Ensure tobacco product sales are not made directly to a minor by any employee working in the store
- Ensure that tobacco products are not sold to an adult that any clerk has reason to believe will supply the product to a minor.
- Ensure that all tobacco products sold are offered legally for sale (i.e. not to sell loose cigarettes)
- In essence the store owner is responsible for his own actions and those of his employees

Customer's Responsibility

- Adult customers are not to purchase cigarettes with the intent to supply the product to a minor.
- Potential underage customers are not held responsible. Minors who purchase or are in possession of tobacco products are not breaking the law.

Review of Pre-Test



Question 1

How many deaths are attributable to smoking:

- a) one in three deaths
- b) one in five deaths**
- c) one in ten deaths
- d) impossible to say, because a lot of people who smoke are also overweight

Question 2

The following are major health risks for smokers:

- a) lung and other cancers
- b) heart disease
- c) both a and b**
- d) neither a nor b

Question 3

Pregnant women who are around cigarette smoke have a greater chance of all of the following EXCEPT:

- a) having a more difficult delivery
- b) having a baby with hemophilia**
- c) having a smaller than average baby who has to stay in the hospital longer
- d) having a sick baby who is fussy and cries a lot

Question 4

Every day, about how many people under the age of eighteen try their first cigarette?

- a) 1,000
- b) 5,000**
- c) 25,000
- d) 100,000

Question 5

Every year approximately how many adults die in New York State each year from their own smoking?

- a) 1,000
- b) 5,000
- c) 25,000
- d) 100,000

Question 6

If a customer continues to insist that you sell them cigarettes without a valid identification you should:

- a) Call the police
- b) Physically remove the person from the store
- c) Sell them the cigarettes
- d) **Just be firm and explain that it's against the law**

Question 7

Who can be penalized if a sale of tobacco products is made to a minor?

- a) The business
- b) The store owner
- c) The clerk
- d) **All of the above**

Question 8

If a customer is unable to produce a valid ID you should:

- a) Sell s/he the product and tell him/her to bring their ID next time
- b) Call the police and have him/her arrested
- c) **Do not sell the product**
- d) Tell them to get someone with ID to purchase the product for them

Question 9

The tobacco products that are not to be sold to underage purchasers are:

- a) Cigarettes
- b) Herbal cigarettes
- c) Cigars
- d) **All of the above**

Question 10

Additional products that may not be sold to underage purchasers are:

- a) Pipes
- b) Rolling papers
- c) Snuff
- d) **All of the above**

Question 11

A drivers license is the only legal form of identification to be used to purchase tobacco product.

- a) True
- b) **False**

Question 12

A passport is a valid form of identification to purchase tobacco products.

- a) **True**
- b) False

Question 13

A School identification card is valid to purchase tobacco products.

- a) True
- b) **False**

Question 14

According to New York State Law, how old must a person appear to be before you may sell tobacco products without seeing identification?

- a) 18 years of age
- b) 21 years of age
- c) 27 years of age
- d) 30 years of age

Question 15

Which of the following reasons should you NOT give for refusing a sale to an underage person who is trying to purchase a tobacco product?

- a) I'm sorry it is against the law
- b) I could be fined and even lose my job
- c) The video cameras are on
- d) My boss is here

Question 16

What should you NOT say to a customer who forgot their ID?

- a) OK I will sell you the cigarettes but bring your ID in next time
- b) I'm sorry I cannot sell you the cigarettes without an ID
- c) The law requires me to check the ID of anyone who appears to be under 27
- d) I will hold the cigarettes here until you return with your ID

Question 17

What should you NOT say to a person who you think is purchasing a tobacco product for an underage person?

- a) If you are buying this product for an underage person you are breaking the law
- b) If I believe you are buying this product for an underage person I will be breaking the law
- c) **As long as you do not give this product to an underage person on the premises it is not against the law**
- d) If you give this product to an underage person we could both be breaking the law

Question 18

If you believe that a parent is purchasing cigarettes for their child, you should not say:

- a) **It's OK, it is for your kid.**
- b) If this is for your child I could lose my job
- c) Are these cigarettes for someone underage
- d) If you give these cigarettes to a minor you could be breaking the law

Question 19

What would you NOT tell a minor trying to purchase cigarettes for a parent?

- a) I'm sorry it's against the law
- b) **Have your parent call me up**
- c) Your mother or father must come in to buy this product
- d) I could get fined or lose my job for selling this to you

Question 20

If you are presented with what you believe to be a fake ID you should

- a) Tell the customer it appears that the ID has been altered
- b) Ask for a second form of ID
- c) Refuse the sale
- d) **All of the above**

Question 21

How should you refuse a sale?

- a) Remain calm
- b) Remove the product from the counter
- c) Be Polite
- d) **All of the above**

Question 22

When reviewing an ID you should look at

- a) Date of birth
- b) Be sure the person is of age
- c) Ask the customer their date of birth
- d) **All of the above**

Question 23

When reviewing an ID of someone you believe to be suspicious you should NOT

- a) Check the photo and description
- b) Check eye and hair color
- c) Ask for their address
- d) **Ask them to recite their license number if it is not their social security number**

Question 24

The best way to determine that a person is of legal age to purchase a tobacco product is by asking:

- a) Do You have proof you are of age.
- b) What kind of ID do you have that you are of age
- c) **May I please see your ID and how old are you?**
- d) How old are you?

Question 25

What is the penalty for the first offense for making an illegal tobacco sale

- a) Immediate suspension of the business retail license
- b) **A minimum fine of \$300 to a maximum fine of \$1,000**
- c) A minimum fine of \$500 to a maximum fine of \$1,500
- d) Suspension and a fine



HEALTH EFFECTS OF SMOKING AMONG YOUNG PEOPLE



Among young people, the short-term health consequences of smoking include respiratory and non-respiratory effects and addictions to nicotine. The long-term effects are the result that most young people who smoke on a regular basis will continue to smoke into and through adulthood.

Cigarette smokers have a lower level of lung function than those persons who have never smoked.

Smoking reduces the rate of lung growth

In adults, cigarette smoking causes heart disease and stroke. Studies have shown that early signs of these diseases can be found in adolescents who smoke.

Smoking hurts young people's physical fitness in terms of both performance and endurance – even among young people trained in competitive running.

On average, someone who smokes a pack or more of cigarettes each day lives 14 years less than someone who never smoked.

The resting heart rate of young adult smokers are two to three beats per minute faster than nonsmokers.

Smoking at an early age increases the risk of lung cancer. For most smoking-related cancers, the risk rises as the individual continues to smoke.

Teenage smokers suffer from shortness of breath almost three times as often as teens who don't smoke, and produce phlegm more than twice as often as teens who don't smoke.

Teenage smokers are most likely to have seen a doctor or other health professionals for an emotional or psychological complaint.

Teens who smoke are three times more likely than nonsmokers to use alcohol eight times more likely to use marijuana, and 22 times more likely to use cocaine

Need More?



Bryan – started smoking at age 13. Never thought that 20 years later at age 34 his life would be over.

Left behind his wife and son.





Born March 13, 1966

Admired most – her mother

Activity – Loved to travel.

Crazy about Christmas.

Biggest Concern – Being a good mother

Favorite Movie – Out of Africa

Favorite Drink – Ice Coffee Frappe

Favorite Song – Don't Pay the Ferryman



December 18, 1998 – her son was born

February 10, 1999 diagnosed with lung cancer...

February 13, 1999 told she has less than nine months to live.



February 14 cancer has spread to her brain and kidneys. June 20, 1999 Noni dies at age 33 years, 3 months and 11 days.



Left behind a husband and son and unrealized dreams.

She started smoking at age 14.



Sean – High school student won 28 track medals in the 400 meter.

Used smokeless tobacco since age 12

February 25th Sean died at the age of 19 after a ten month battle with rapidly spreading cancer that started on his tongue.

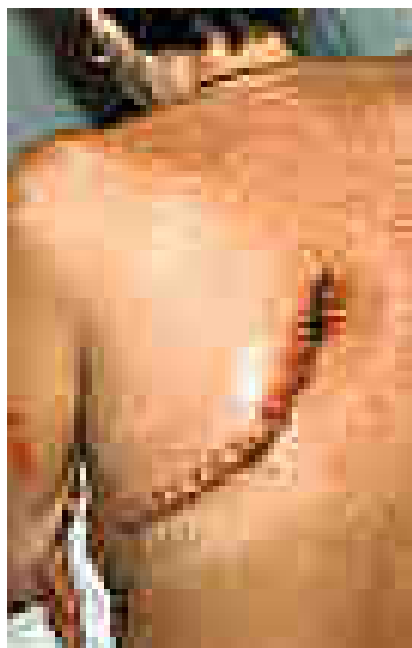




Gum Cancer

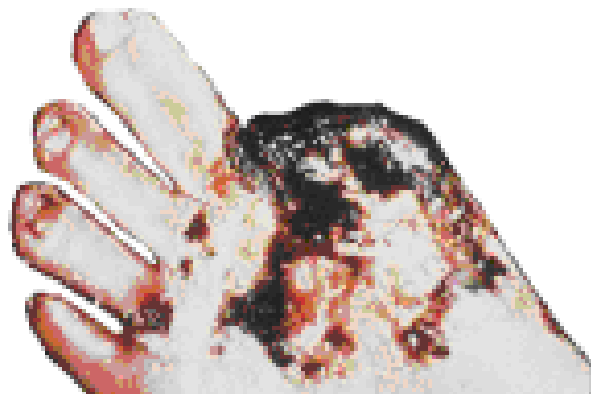


Lung Cancer



Lung Operation

Circulatory Disease





Your
Photo
Here

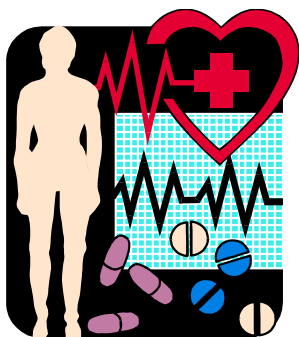


Smoking

When you
QUIT...



Physical Changes Your Body Goes Through When You Quit Smoking





Within **20** minutes of last cigarette:

- Blood Pressure drops to normal
- Pulse rate drops to normal rate
- Body temperature of hands and feet increases to normal



8 Hours

- Carbon monoxide level in blood drops to normal
- Oxygen level in blood increases to normal



24 Hours

- Chance of heart attack decreases.



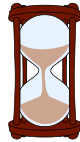
48



Hours

- Nerve endings start re-growing
- Ability to smell and to taste things is enhanced

72 Hours



- Bronchial tubes relax, making breathing easier
- Lung capacity increases



2 Weeks to 3 Months

- Circulation improves
- Walking becomes easier
- Lung function increases up to 30%



1 to 9 months

- Coughing, sinus congestion, fatigue, and shortness of breath decrease.
- Cilia re-grow in lungs, increasing the ability to handle mucus, clean the lungs, and reduce infection.
- Body's overall energy level increases.



5 Years

- Lung cancer death rate for average smoker (one pack a day) decreases from 137 per 100,000 people to 72 per 100,000 people.

10 Years

- Lung cancer death rate for average smoker drops to 12 deaths per 100,000 - almost the rate of non-smokers.
- Pre-cancerous cells are replaced.
- Other cancers-such as those of the mouth, larynx, esophagus, bladder, kidney and pancreas-decrease. (There are 30 chemicals in tobacco smoke that cause cancer.)



Recipe for a Cigarette

<ul style="list-style-type: none">● Acetone (Nail Polish Remover, Paint Stripper)● Ammonia (Floor and Toilet Cleaner)● Butane (Cigarette Lighter Fluid)● Cadmium (Rechargeable Batteries)● Hydrogen Cyanide (Gas Chamber Poison)● Methane (Swamp Gas)● Methanol (Rocket Fuel)● Naphthalene (Mothballs)● Nickel (Metal)● Nicotine (Addictive Drug & Insecticide)● Stearic Acid (Candle Wax)	<ul style="list-style-type: none">● Carbon Monoxide (Car Exhaust Fumes)● Nicotine and DDT/Dieldrin (Insecticides)● Ethanol (Alcohol)● Formaldehyde (Body, Tissue and Fabric Preserver)● Hexamine (Barbecue Lighter)● Nitrobenzene (Gasoline Additive)● Nitrous Oxide Phenols (Disinfectant)● Tar (Distilled Wood & Coal)● Toluene (Industrial Solvent)● Vinyl Chloride (Makes PVC)
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Legal Purchasing Age and Additional Requirements



Note: Throughout this presentation the legal age for the purchase of tobacco is presented as being eighteen. This is in accordance with New York State Law. However, there are some localities where the legal age to purchase tobacco products is higher. Examples are New York City where the legal age is 21 years old. In Nassau, Suffolk, and Onondaga Counties the legal age is nineteen. In these cases signage and store policy should reflect this difference.

These changes in no way affect the clerks responsibility to ID potential buyers, since federal law requires that all persons under the age of twenty-seven be required to show ID for the purchase of tobacco products.

Question:

What are the restricted tobacco products?

Answer:

Cigarettes	Cigars
Chewing Tobacco	Powdered Tobacco
Other Tobacco Products	Herbal Cigarettes
Rolling Papers	Pipes

TIP:

There should never be any source of confusion on this. Conspicuously posted in red letters at least one-half inch in height on a white card should be a sign imprinted with the following statement:

“Sale of cigarettes, cigars, chewing tobacco, powdered tobacco, or other tobacco products, herbal cigarettes, liquid nicotine, electronic cigarette, rolling papers or pipes to persons UNDER 18 years of age is PROHIBITED BY LAW.”

TIP:

These items will never be placed for customer self- service in accordance with the NYS public health laws which state:

“No person operating a place of business ... shall sell, permit to be sold, offer for sale or display for sale any tobacco product or herbal cigarettes in any manner, unless such products and cigarettes are stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container.”

Vendors are prohibited from selling these restricted tobacco products to anyone under the age of 18 (19 in Nassau and Suffolk County).

Vendors are required to request ID from those who appear to be under 27.

The law also requires the vendor not to sell tobacco products if he has reason to believe the purchaser is buying them for an underage person.

Note: It is not illegal for an underage person to either purchase or possess these tobacco products. We will look at this further

Effective January 1, 2012, an amendment prohibits the sale of shisha and smoking paraphernalia to individuals under 18 years of age.

The amendment defines shisha as any product made primarily of tobacco or other leaf, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe and smoking paraphernalia as any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco.

Effective January 1, 2013, an amendment prohibits the sale of electronic cigarettes to individuals under 18 years of age.

The amendment defines e-cigarettes as a battery operated device that contains cartridges filled with a combination of nicotine flavor, and chemicals that are turned into vapor which is inhaled by the user.

Retailers are required to keep them in an area behind the counter or in a locked container.

Effective December 29, 2014, an amendment prohibits the sale of liquid nicotine to individuals under 21 years of age in NYC and under the age of 21 throughout the rest of the state.

The amendment defines liquid nicotine (or electronic liquid or e-liquid as a liquid composed of nicotine and other chemicals that may be used in an electronic cigarette.

Retailers are required to keep them in an area behind the counter or in a locked container.

Vendors are prohibited from selling these restricted tobacco products to anyone under the age of 18.

Vendors are required to request ID from those who appear to be under 27.

The law also requires the vendor not to sell tobacco products if he has reason to believe the purchaser is buying them for an underage person.

***Note:* It is not illegal for a person under the age of 18 to either purchase or possess these tobacco products. We will look at this further**

No GUTKA

Fine to unapproved businesses = \$500.00

GUTKA is a smokeless tobacco product containing lime paste, spices, areca and tobacco.

Sale of GUTKA to a minor at tobacco businesses carries the same fines and penalties as sale of any other tobacco product to a minor.

A tobacco business that sells GUTKA must post a sign in **RED** letters at least one-half inches in height on a white card stating:

**“Sale of GUTKA to persons
under eighteen years of age
is prohibited by law”**

No BIDIS

Fine to unapproved businesses = \$500.00

A BIDI is a thin, often flavored Indian cigarette made of tobacco wrapped in a Tendu Leaf.

Sale of BIDIS to a minor at tobacco businesses carries the same fines and penalties as sales of any other tobacco product to a minor.

A tobacco business that sells BIDIS must post a sign in **RED** letters at least one-half inches in height on a white card stating:

**“Sale of BIDIS to persons
under eighteen years of age
is prohibited by law”**

Amendment to Adolescent Tobacco Use Prevention Act
Effective December 27, 2004

MINIMUM PACKAGE SIZE REQUIREMENTS
FOR TOBACCO PRODUCTS

- Cigarettes – no fewer than twenty may be sold
- Roll your own tobacco – no less than 0.6 ounces
- Cigarette wrapping paper – no fewer than twenty sheets
- Wrapping leaves or tubes – no fewer than twenty sheets

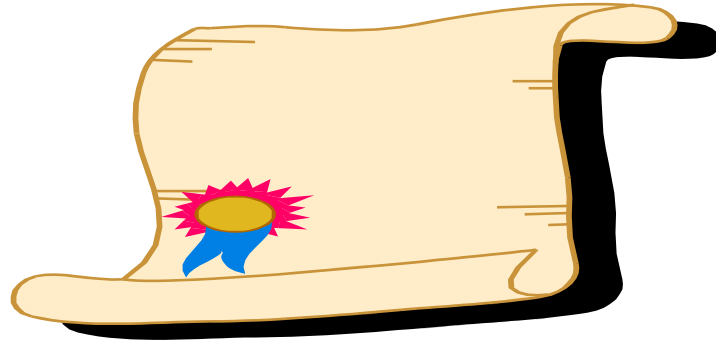
Does not pertain to cigars or cigar wrappings

- Penalty for first violation – fine of \$500 to \$1,000
- For each subsequent violations – fine of \$500 to \$1,500

OUT OF PACKAGE SALES & CUSTOMER SELF SERVICE

- NO LOOSIES – All tobacco cigarettes sold or offered for sale by a retail dealer shall be sold or offered for sale in the package, box, carton or other container provided by the manufacturer, importer, or packager which bears all health warnings.
- Vending machines which dispense tobacco products or herbal cigarettes are prohibited unless such a machine is located (a) in a bar or the bar areas of a food service establishment with a valid, on-premises full liquor license, (b) in a private club, (c) in a tobacco or (d) in a place of employment which has an insignificant portion of its regular workforce comprised of people under the age of eighteen years and only in such locations that are not accessible to the general public.
- Tobacco products are not permitted on the checkout counter or other places easily accessed by the general public.

Legal Forms of Identification



Vendors are prohibited from selling tobacco products to anyone under the age of 18 (19 in Nassau and Suffolk County). Vendors are required to request ID from those who appear to be under 27.

The law also requires the vendor not to sell tobacco products if he has reason to believe the purchaser is buying them for an underage person.

Question:

What are acceptable forms of identifications?

Answer:

Valid Drivers License or Non-Drivers ID Card Issued by Commissioner of Motor Vehicles,
or the Federal Government,
or any U.S. Territory, Commonwealth or Possession,
or the District of Columbia,
or any State Government Within the United States,
or any provincial government of Canada.

Valid Passport issued by any country.

Valid United States Armed Forces I.D. card.

TIP:

If a person looks to be under 27 years of age your should:

- Ask for identification
- Refuse the sale if the customer does not present his/her valid photo ID.
- Refuse the sale if the prospective purchaser or recipient is underage.

TIP:

Remember a few slides back when we talked about tobacco products not being available for self service by the customer? This is a part of the law that you can use to your benefit. Before retrieving the tobacco product, always check the customers ID first. Unless of course you have determined that you do not need to ID the customer.

Question:

Suppose a customer comes into your shop. You ID him a couple of times, and determine that he is of age. Must you continue to ID him?

Answer:

Yes. By law the purchaser must provide proper identification so long as he appears to be under the age of 27, and is not to be sold or provided tobacco products so long as he is under 18 (19 in Nassau and Suffolk county).

Question:

How should you request an ID?

Answer:

“May I please see your ID?”

and

“How old are you?”



How to Identify Phony ID



Question:

What are clues that an ID may be a fake?

Answer:

- Photo doesn't match the customer.
- Look for printing flaws.
- The back of the ID is blank.
- Lamination is peeling, scratched or bubbled.
- Make sure the state seal, logo or hologram has not been altered.
- Customer is nervous and rushed

TIPS

- Don't be fooled by lots of makeup on girls and facial hair on guys...look at style of dress and hair, and wrinkles.

-Write questionable ID numbers in a log to verify at a later time. This will also dissuade minors from returning.

-Talk to local police or manager about what to do with a fake ID.

Question:

What are the items you should review on an ID?

Answer:

- Look at the date of birth – make sure they are of age. If they look underage, ask them their birth date, age and address, as most don't think to memorize these figures. Do not question their license number as most people do not know theirs.
- Photo and description – make sure the photo and description match the looks of the customer, hair and eye color, height and weight.
- Expiration Date – it cannot be expired. This prevents cards being passed on to a friend, brother or sister who is close in age and similar in looks.
- Who issued the card (it must be government-issued). Is the state seal, logo or hologram altered?
- Check closely for alterations or tampering, peeling, scratches or bubbles. Look to see if the back is blank as many fake IDs are left blank.
- If you feel that it may be a fake ID, write the number in a log kept on the counter so that it can be verified at a later date. This could also discourage minors from returning for another purchase.
- You could also ask for a second form of ID if the person appears to be under age and refuse the sale if another ID cannot be produced, but do it right.

How old am I ?



1

How old am I ?



2

How old am I ?



3

How old am I ?



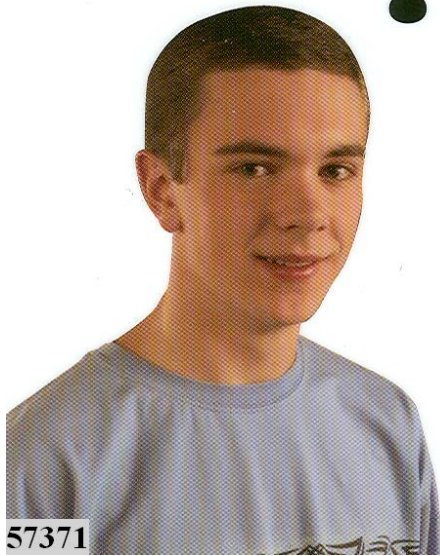
4

How old am I ?



5

How old am I ?



57371

6

How old am I ?



66411

7

How old am I ?



44871

8

How old am I ?



79981

9

How old am I ?



23232

10

How old am I ?



11

How old am I ?



12

How old am I ?



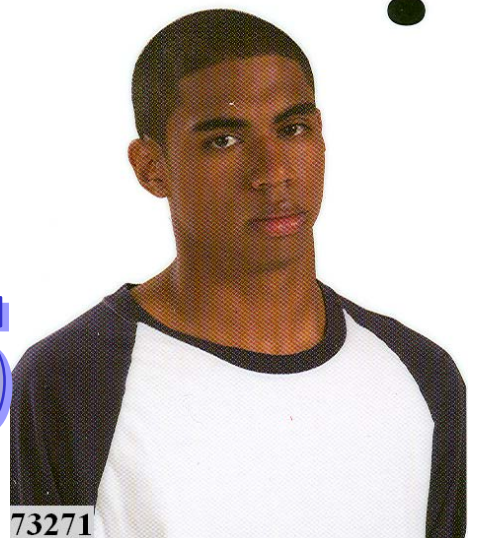
13

How old am I ?



14

How old am I ?



15

Did you guess right?

The following are underage on

Page 45 - #5

Page 46 - #'s 6, 7, 8, & 9

Page 47 - #'s 12, 14 & 15

Don't be fooled by lots of makeup on girls and facial hair on guys.... Look at style of dress and hair, and wrinkles.

Remember....

Check ID of anyone who appears to be under the age of 27.

How to Refuse a Sale

When refusing a sale, your tone of voice, body language and word choice can either diffuse or ignite a confrontation with a customer.



Follow these general rules

- Remain calm.
- Remove the product from the counter.
- Be polite. Apologize.
- Maintain a customer service attitude.
- Remember that refusing a sale is not your choice; it is the law.

Use the following statements

- “I’M sorry. It’s against the law.”
- “I can be fined and even lose my job.”
- “Is there anything else I can get you.”
- “I’d be happy to hold this for you while you go get your ID.”

Question:

What is the best etiquette when refusing a sale?

Answer:

- Remain calm.
- Remove the product from the counter.
- Be polite. “I’m sorry, it’s against the law. I could lose my job or get fined. I just need to see your ID.”
- What other reasonable ways can you think of?

Questions:

Why should you not say, “I can’t.” What other phrases and mannerisms should you avoid?

Answer:

Saying “I can’t” opens the door for the customer to argue the reason . . . it makes it sound like you can but choose not to.

Don’t argue or accuse a customer of being underage. Simply point out that they have not presented a valid ID required for proof of age. Ask if there is anything else you can help with.

Question:

What would you do and say when a minor or anyone presents you with a fake ID.

Answer:

If you suspect the ID has been altered, ask for a second ID. If the customer fails to produce one, refuse the sale. People who use fake identification almost never carry a second ID. You have the right to refuse any sale, but it is important to do it right. Be polite. Don't argue. Offer to hold the product until they come back with a second ID. Remove the product from the counter and begin to wait on the next customer.

Question:

How would you handle a 2nd party sale or an adult who requests more than one pack of cigarettes after you observed the same adult talking to a minor or taking money from a minor?

Answer:

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.

Question:

How would you handle a minor purchasing for a parent?

Answer:

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

Question:

How do you handle a parent purchasing for their child?

Answer:

You could ask if the purchase is for them. If they indicate that it is not, you should refuse the sale and indicate that you could be fined or lose your job for knowingly selling tobacco products that will go to a minor.

Question:

How would you handle an adult offering to buy for a customer who forgot their ID or a regular customer who does not have their ID?

Answer:

I'm really sorry. I believe they are of age, but our store policy requires me to check to their ID. If I don't, I could lose my job. I'd be happy to hold this while they go and get their ID.

Question:

How do you handle peer pressure?

Answer:

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

Question:

How would you handle a threatening situation?

Answer:

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

Then.....

- Stay calm; do not argue. That could prolong the confrontation.
- Remove the product from the counter. This will reduce the risk of the customer stealing it or continuing to argue over it.
- Break eye contact with the customer and begin to help the next customer.

TIP - If you refuse a sale and the customer takes the product, even if they leave the money, treat it as a theft. Don't ring up the sale. Get a description of the person and notify your supervisor.

Also, don't let one abusive customer discourage you from carding in the future. Remember, as an employee responsible for upholding sales laws, you are empowered to refuse all sales that do not meet minimum-age requirements.

Penalties for Selling To Underage Persons Employer



Question:

What are the fines and disciplinary action for making an illegal tobacco sale?

Answer:

First violation - a minimum fine of \$300, but not to exceed \$1,000, and publication of the business name in local newspaper.

Second violation - a minimum fine of \$500, but not to exceed \$1,500, and publication of the business name in local newspaper.

Imposition of Points!

If a dealer is convicted of violating the provision of the law that prohibits tobacco sales to minors, the dealer's business will receive the appropriate fine and two points where the clerk did not hold a certificate of completion from a state certified tobacco sales training program.

One point will be assigned to a dealer whose clerk sells a tobacco product to a minor but holds a certificate of completion from a state certified tobacco sales training program, along with the appropriate fine.

Revocation

These violations include sale of out of package cigarettes, sale of bidis and gutka from non tobacco business, failure to post required signage, placement of cigarettes for customer self service, as well as engaging in unlawful shipment or transport of cigarettes.

Suspension

If the State Department of Health determines that a retail dealer has accumulated three points or more, it directs the Department of Taxation and Finance to suspend the retail dealer's Certificate of Registration for six months. Should the dealer have a lottery license, that will be suspended for six months as well.

If it is determined that the retail dealer has violated any section of Public Health Law 13F four times within a three-year time frame, the dealer's certificate of registration and lottery license will be revoked for one year along with the imposition of the appropriate fine.

Duration of Points

The three points serving as the basis for a suspension shall be erased upon the completion of the six-month penalty. Any additional points assigned to a retail dealer's record shall be retained for a period of three years beginning on the first day of the month following the assignment of the points.

Selling a tobacco product when the Dealer's Certificate of Registration is either **suspended or revoked will result in the imposition of a **\$2,500 fine!** The Dealer's Certificate of Registration is then considered **permanently revoked****

Surcharge:

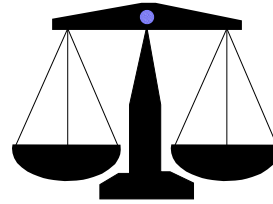
A fifty-dollar surcharge to be assessed for every violation, will be made available to the enforcement officers and shall be used solely for compliance checks to be conducted to determine compliance with the law.

These compliance checks will occur at a frequency of twice per year until all points are erased.

Some Areas Have Local Laws About Selling Tobacco. In These Cases, Whichever Law (State Or Local) Is The Toughest Is The Law That Will Be Followed

An example of the above are **the counties of Onondaga, Nassau, and Suffolk** where the minimum age to purchase cigarettes is **19**.

Penalties for Selling To Underage Persons



Employee

Unlawfully Dealing With a Child in the Second Degree

NYS Penal Law Section 260.21 Part 3:

Selling or causing to be sold, tobacco in any form to a child less than eighteen years old.

It is no defense to claim that the child acted as the agent or representative of another person or that the defendant dealt with the child as such.

Unlawfully dealing with a child in the second degree is a class B misdemeanor

- Imprisonment not to exceed one year or
- A period of probation for three years.

Additionally

- A mandatory surcharge of one hundred ten dollars and a crime victim assistance fee of ten dollars
- A fine, not exceeding one thousand dollars

Some Areas Have Local Laws About Selling Tobacco. In These Cases, Whichever Law (State Or Local) Is The Toughest Is The Law That Will Be Followed



NEW YORK CITY
VIOLATIONS AND PENALTIES
TOBACCO SALES TO MINORS

1st Offense - Not more than **\$1300**

2nd Offense within a two-year period - not more than **\$2000** + a six-month suspension of the retail cigarette license.

An Administrative Law Judge may grant a waiver of the six-month suspension after a hearing.

The waiver may be granted at the discretion of the Administrative Law Judge who will use the following guidelines:

Did the retailer initiate a Cigarette Sale to Minor policy for the clerks?

Did the clerk receive state or city certified training?

Was the clerk disciplined - example: **FIRED?**

Is there a review of the **Regulations Policy** in place?

BOTTOM LINE YOU LOSE MONEY!

In addition to any penalties a clerk may face due to enforcement, if you are caught violating the ATUPA laws your employer has every right to discipline you. This may include a variety of actions including suspension without pay, decrease in wages, loss of benefits, and termination. When you break the law, you place your employer at risk of being fined and losing his license.



Your employer may also use underage people that clearly appear under the age of 25 to ensure that you are properly requesting identification. He may also use other methods. Even though no enforcement may occur, if your employer catches you breaking the laws, you remain subject to disciplinary action or termination.

Law & Policy Review

1. If a customer wanting to buy tobacco products appears to be under 27 years of age, should you:

- A. Ask for identification
- B. Refuse the sale if under the legal age.
- C. Refuse the sale if ID is invalid
- D. All of the above

2. Valid forms of identification include (choose more than one):

- A. U.S. Federal, State or Canadian Province Driver's License
- B. State Issued ID Card
- C. Military ID Card
- D. School Identification Card (NO)
- E. U.S. Passport
- F. Immigration Card (NO)
- G. European Drivers License (NO)

3. The minimum age law for tobacco products applies to:

- A. Cigarettes
- B. Herbal Cigarettes
- C. Snuff
- D. Pipes
- E. Chewing Tobacco
- F. Rolling Paper
- G. Powdered Tobacco
- H. All of the above

4. It is illegal to sell tobacco products to anyone under age _____. (18 unless local law is higher.)

5. The penalty for selling tobacco products to an underage customer for the first time in a three year period is _____.

(Minimum fine of \$300, not to exceed \$1,000 and publication of the business name in the local newspaper, for the first offense. And, 1 or 2 points depending on whether or not the clerk holds a valid Tobacco Training Certificate.)

6. If you have refused a sale to someone who cannot produce a valid ID, and that customer persists, you should _____.

(Be polite and firm and remove the product from the counter and proceed to help the next customer and/or tell the customer you will hold the product until they come back with a valid ID.)

7. What are the magic words for refusing a sale?

(I'm sorry, it's against the law. I could get fined or even lose my job. We could both get in trouble. The cameras are on.)

8 Who is responsible for selling tobacco products to minors? _____

(It is your responsibility to check the ID of anyone who appears to be under the age of 27 and you MUST NOT sell tobacco products to anyone under the age of 18. Suffolk Nassau and Onandaga county require 19 years.)

NEW YORK STATE TOBACCO ENFORCEMENT SUMMARY

6 YEAR TOTALS (THROUGH 2003)

Compliance Checks	148,518
Enforcement Actions	17,646
Fines Assessed	\$9,811,299
Fines Collected	\$8,010,412
Suspended Registrations	153
Lotto Suspensions	32

OCT. 1, 2002 THROUGH SEPT. 30, 2003

Registered Vendors	29,283*
Compliance Checks	30,074*
Sales to Minors	3,391**
Fined/Penalized	2,192**

*Almost every business will be visited/tested each year.

** 2/3 failing compliance checks penalized.

NEW YORK STATE TOBACCO ENFORCEMENT SUMMARY

8 YEAR TOTALS (THROUGH SEPT. 30, 2005)

Compliance Checks	205,085
Enforcement Actions	24,403
Fines Assessed	\$17,435,047
Fines Collected	\$13,261,970
Suspended Registrations	379
Lotto Suspensions	90

OCT. 1, 2004 THROUGH SEPT. 30, 2005

Registered Vendors	26,915*
Compliance Checks	26,616*
Sales To Minors	3,457**
Enforcement Actions	3,585**
Fines Assessed	\$3,645,235
Suspended Registrations	152
Lotto Suspensions	105

* 97% compliance checks/visits.

** 100% compliance failed were penalized.

NEW YORK STATE TOBACCO ENFORCEMENT SUMMARY

10 YEAR TOTALS (THROUGH SEPT. 30, 2007)

Compliance Checks	263,050
Enforcement Actions	29,920
Fines Assessed	\$21,676,097
Fines Collected	\$16,977,732
Suspended Registrations	1,462
Lotto Suspensions	386

OCT. 1, 2006 THROUGH SEPT. 30, 2007

Registered Vendors	24,440
Compliance Checks	28,075
Sales To Minors	2,120
Enforcement Actions	2,302
Fines Assessed	\$1,646,600
Suspended Registrations	608*
Lotto Suspensions	149*

* Enforcement actions significantly decreased however registration suspensions doubled.

NEW YORK STATE TOBACCO ENFORCEMENT SUMMARY

15 YEAR TOTALS (THROUGH SEPT. 30, 2014)

Compliance Checks	380,0370
Enforcement Actions	38,018
Fines Assessed	\$27,676,027
Fines Collected	\$22,123,515
Suspended Registrations	2,715
Lotto Suspensions	386

OCT. 1, 2011 THROUGH SEPT. 30, 2012

Compliance Checks	36,219
Sales To Minors	1,808
Enforcement Actions	1,919
Fines Assessed	\$1,520,450
Suspended Registrations	274
Lotto Suspensions	91

Avoid being one of the statistics.....

Do not sell cigarettes to anyone under **27** that cannot produce a valid ID to prove to you, the seller, that they are of age.