

Tobacco Merchant Guide

Reducing Youth Access to Tobacco/Nicotine Products

NONICOTEEN 
UNDER 18: NO TOBACCO SALES

**Information for merchants about
Frederick County's
Tobacco Sales Compliance Program**

**DISTRIBUTED BY
Frederick County Health Department
Behavioral Health Services**



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Reducing Youth Access to Tobacco/Nicotine Products

Purpose

This brochure was created as part of Frederick County Health Department's Tobacco Sales Compliance Initiative to Reduce Youth Access to Tobacco and Nicotine Products. Its purpose is to provide tobacco retailers basic information regarding the prevention of youth access to tobacco products.

The Law

TOBACCO RETAILER/LICENSEE

To sell tobacco at retail, you must obtain a license. There are two licenses; the first, a "tobacco license" is a license to sell cigarettes; the second, an "other tobacco products license" is a license to sell other products which contain tobacco such as cigars, cigarillos, and smokeless tobacco. It is important that you have the proper license for the products you plan to sell.

As a licensed tobacco retailer, you are responsible for following and enforcing in your establishment the laws prohibiting the sale of tobacco products to persons under the age of 18.

Your license may be suspended or revoked if law enforcement or health officials find that tobacco products are being sold to minors at your establishment. You also may be subject to the criminal penalties set forth below for your own sales to minors, or for sales made to minors by your sales personnel.

CLERICAL/SALES PERSONNEL

It is a violation of criminal law to sell or distribute tobacco products to persons under the age of 18. Under the criminal law, you may be subject to the following penalties:

- 1st offense: Fine of up to \$300
- 2nd offense (w/in 2 years): Fine of up to \$1,000
- Additional Offenses (w/in 2 years): Fine of up to \$3,000

ELECTRONIC CIGARETTES/DEVICES

A person may not sell, distribute, or offer for sale to a minor an electronic device that can be used to deliver nicotine to the individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe. This is considered a misdemeanor and is subject to a fine not exceeding \$1,000 for each violation.

SELF-SERVICE TOBACCO PRODUCTS

Cigarettes and smokeless tobacco products may not be on self-service displays. It is most effective to store and display all tobacco products in a manner that requires a customer to request sales clerk assistance in purchasing the product. This means your store should have no self-service tobacco product displays.

Hiring and Training of Personnel

HIRING

To the greatest extent practical, you should avoid hiring persons under the age of 18 for positions that may involve the sale of tobacco products to minors. You should express to all applicants for positions that may involve the sale of tobacco

products that sales to minors are illegal and will not be tolerated by management.

TRAINING

Before assuming any job that may involve the sale of tobacco products, every employee should receive comprehensive training on the law, and company policies relating to the sale of tobacco to minors. Such training should, at a minimum, include:

- A review of state and local laws concerning the sale of tobacco to minors
- A review of company policies regarding the sale of tobacco to minors
- An explanation as to why the law and company policy prohibit the sale of tobacco to minors.
- A review of all tobacco products sold at the establishment, such as cigarettes, cigars, smokeless tobacco, and e-cigarettes.
- An explanation of when and how to request that a customer produce identification, how to verify the authenticity of identification, and how to calculate a person's age from the birthday on the identification (see description of the Drop 20, Add 2 method on the next page.)
- Techniques and methods for handling irate customers and customers who are friends or acquaintances.

Effective training will include some written instruction, an oral presentation and role playing in a variety of settings involving the sale of tobacco. The employees should be given the opportunity to ask questions. All employees should sign an acknowledgement that they received and understood the tobacco sales training and the law and company policies prohibiting youth sales.

AUTHENTICITY OF IDENTIFICATION

Employees should be familiar with the various forms of acceptable identification.

- The Maryland Driver's License and the Maryland Identification Card carry a birthdate in the center of the card. A hologram of the Motor Vehicle Administrator's signature appears in the middle of the card and would be defaced if the date had been altered.
- Both the Driver's License and Identification Card for persons under 21 years bear a profile, rather than head-on, photograph, that should capture attention of a clerk to closely examine the birthday.
- Other acceptable forms of identification may include:
 - Military Identification (birthday in year/month/day format on upper left corner of back of card)
 - Passports (birthday in center to right of photograph)
- Identification that does not contain a birthday is never acceptable for age verification.

-20+2 Method

Drop 20/Add 2 Method of Determining Birthday Cutoff:

To determine the latest birthday a customer can have and be able to purchase tobacco products, take today's date, drop 20 years and add 2 years.

For example:

- Today is May 22, 2001
Subtract 20 years and the date is May 22, 1981
- Add 2 years and the date is May 22, 1983
- A customer must have been born on or before May 22, 1983 to purchase tobacco products.

Support Tools

CASH REGISTER LOCKS

If feasible, tobacco sales should be made using cash registers that stop the sale when tobacco is scanned and prompt the sales clerk to verify that the customer is 18 years or older.

AGE CALCULATOR OR CALENDAR

An age calculator or calendar should be located at each register. Calculators that determine the customer's age based on the birthday entered by the clerk are available. Also available are simple paper calendars that provide a daily reminder of the latest birthday for which a sale may be made, i.e. "Customer must have been born on or before Month/Day/Year to purchase tobacco products."

SIGNAGE

Signage at the register, the location of tobacco products as well as at entrances may also be used. These signs should carry messages such as:

"You must be 18 to purchase tobacco products",
"We ask for i.d. on tobacco sales", or
"It is illegal for us to sell tobacco to persons under 18."

Enforcement

Laws prohibiting the sale of tobacco products to persons under 18 may be enforced by a variety of public offices. Local police and prosecutors may pursue criminal violations. The Attorney General and the Comptroller may pursue administrative and regulatory actions. Local health officials and County Attorneys may bring action for violations of local ordinances.

**INFORMATION IN THIS BOOKLET WAS
ADAPTED FROM
THE ATTORNEY GENERAL'S PROGRAM
TO REDUCE YOUTH ACCESS TO CIGARETTES**

**IF YOU WOULD LIKE TO RECEIVE A
COPY OF THIS BROCHURE, OR IF YOU
HAVE QUESTIONS OR NEED FURTHER
INFORMATION ABOUT
FREDERICK COUNTY'S TOBACCO
COMPLIANCE PROGRAM**

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PLEASE CONTACT

**Frederick County Health Department
Behavioral Health Services
301-600-1755**



Public Health
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Frederick County Health Department

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