

Competency 5

Demonstrate the understanding of the laws and regulations controlling the sale and use of tobacco.

Learning Objectives

Explore laws relating to the sale of tobacco products in Wisconsin.

Examine the consequences to both the individual and business for not adhering to state laws.

Compare and contrast tobacco product categories.

Navigate acceptable forms of Identification in Wisconsin.

Wisconsin Wins: Trained Employees, Tobacco-Free Kids.

Protecting and promoting the health and safety of the people of Wisconsin

| State of Wisconsin Department of Health Services

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In the store

When it comes to keeping underage teens tobacco-free, responsible retailers rely on signs, smart choices, and responsible employees.

According to state and federal laws:

- › Retailers who sell tobacco must post a sign informing customers that it is illegal to sell tobacco products to minors
- › Cigarettes can only be sold in packs and cartons—never as singles
- › Cigarette “giveaways” are never allowed. Smokeless tobacco giveaways are only allowed in businesses where minors are never allowed to enter (even if they are accompanied by a parent or legal guardian).
- › Cigarettes and smokeless tobacco products must be kept behind the counter.

Vending machines

Under federal law, cigarette vending machines are not allowed in businesses where minors are allowed to enter (even if they are accompanied by a parent or legal guardian).

The law is the law

Helping minors stay smoke-free is simple when you do what the law requires. And that means verifying the age of anyone who buys tobacco by checking ID.



Following the law is easy when you know the law

Everyone deserves a healthy future. That's why Wisconsin has a number of rules that restrict tobacco sales to minors. And here is the most important one:

Federal law prohibits the sale of all tobacco products to anyone under the age of 21.

Nationwide, age-restricted tobacco products include cigarettes, chewing tobacco, cigars, e-cigarettes, e-liquid, and loose tobacco. Consult your individual store policy for additional products in your inventory that are restricted.

Selling tobacco to minors can really cost you, too. Retailers and employees face big penalties for breaking the law.

Fines:

- › Up to \$500 if there are no prior violations in the past year
- › \$200 to \$500 if there has been a previous violation within the past year
- › If a citation is issued to a retailer, a citation may also be issued to the clerk

Suspension of License:

- › Up to three days if there has been a previous violation within the last year
- › Up to 10 days if there has been a violation within the past year after two other violations
- › Up to 30 days if there has been a violation within the past year after three or more prior violations

There are other laws that help protect minors from the health hazards of tobacco—and help retailers and employees avoid big penalties.



Success starts at the counter—with you.

You're it. You're the one behind the counter, so you decide who purchases tobacco and who doesn't. And that means you need to learn how to make the right decisions when the time comes to make the sale.

Checking IDs

Federal law requires a photo ID be checked for anyone purchasing tobacco under age 30. It's impossible to tell who can legally purchase tobacco without verifying age by checking an ID. The way someone talks and dresses, the way they look, or the friends they hang out with ... these can all point you in the right direction. But don't be fooled. Asking every customer for their ID and verifying their age is the only way to guarantee that you don't sell to a minor.

Here are the only acceptable forms of identification to verify age for tobacco sales in Wisconsin:

- › Military ID
- › Driver's License
- › State-Issued ID
- › Passport
- › Native American ID

Wisconsin's vertical IDs don't always look the same, but they mean the same thing: **your customer may be under 21.**

Here's what you should do:

- 1 Look for the dates under their photo.
- 2 Check the date they turn 21. Is it in the future?
- 3 If it's in the future, they're not old enough to buy tobacco. Don't make the sale.





How to spot a fake ID

Whatever form of ID you're given, make sure it hasn't expired. Knowing how to tell a valid ID from an invalid one can help you make the right decisions at the counter.

- › Confirm that the picture is of the person purchasing tobacco
- › Text shouldn't be smudged
- › Text should be placed properly
- › Text should be all the same font

If there is any question, ask for a second ID.

Refusing an illegal sale

The hardest thing to do once you suspect that an ID is invalid (or that a customer is underage) is to refuse to make the sale. It can be intimidating for anyone, but there are some tips that can make refusing an illegal sale easier.

- › Remain calm
- › Remove the product from the counter
- › Be polite
- › Don't accuse or become confrontational
- › Stick to the facts
- › Don't offer your opinion—the law is nonnegotiable
- › Remind the customer about the law and that you can be fined
- › Try using humor to lighten the situation



Of course, some situations are stickier than others. If you don't know what to do in the face of an illegal sale, don't be afraid to turn to a supervisor or coworker for support. Here's how to handle special situations:

Not selling tobacco to underage friends

Remind them that selling to a minor is illegal and security cameras could be filming. If your friend is really a friend, he or she won't put your job at stake. Remember, refusing to make the sale isn't personal—the law is the law.

Minors buying tobacco for adults

Let minors know that if adults want tobacco, they need to come in and make the purchase on their own. Mention you could face a fine or lose your job for breaking the law by selling to a minor.

Adults buying tobacco for minors

If you notice something suspicious, you can ask if the product is for a minor. Point out that statute prohibits adults from providing tobacco to minors.

The tobacco grab

Don't allow a customer to grab the product before showing an ID and purchasing the product. If the customer leaves the store with the tobacco before the purchase is complete, it's theft. Alert your manager, and he or she will take the required steps from there.

Dealing with an abusive customer

Stay calm and don't argue. Just repeat the reason for refusal and remove the product from the counter. Try to avoid making eye contact and notify a supervisor or the police as soon as you can. Above all, don't let one bad experience discourage you from making a difference in the future.



Wisconsin Wins congratulates retailers and employees who protect minors from the unhealthy effects of tobacco. During regular compliance checks, employers and employees who follow the law are recognized and retailers who sell tobacco are reminded of the law and possible consequences.

How does it work?

- › Wisconsin Wins teams, made up of health agencies, law enforcement, and minors, regularly check for your compliance with the state law
- › Teams of youth inspectors may legally enter your store or bar and attempt to purchase any type of tobacco product at any time
- › Retailers are then notified of the results of these regular investigations
- › Failure to comply with the law can result in citations
- › It's an opportunity to demonstrate your commitment to helping eliminate illegal tobacco product sales to minors—and your chance to be rewarded if you don't sell.

What are your reasons not to sell?

It's illegal. Selling tobacco to minors is against the law.

- › No retailer may sell or provide tobacco products to anyone under the age of 21.

It's expensive

You and your store can be penalized for selling tobacco or nicotine products to minors, and those penalties are stiff.

- › Up to \$500 in fines for breaking the law
- › Retailers face a suspension of license for up to 30 days

Continued on next page.



You want to make a difference

Wisconsin's youth and young adults deserve healthy futures.

- › Tobacco has serious health consequences and kills 1,300 people every day. These products are addictive - especially to young people.
- › Not selling can help prevent a young person from a lifetime of addiction and avoid disease and premature death

Your store can choose not to sell tobacco products

In February 2014, national pharmacy chain CVS Caremark committed to ceasing all tobacco sales in its 7,600 stores by October. CVS will focus on providing wellness to its customers, and public health officials hope other retail pharmacies follow the path of Target and CVS in stopping tobacco sales. Removing tobacco products from your store may take courage, but the decision could be a very rewarding long-term policy. To discuss this possibility further, contact Wisconsin Wins at (608) 266-0181.

Together, we can make a difference

When we all work together to keep tobacco out of the reach of young people, retailers face fewer penalties and minors have a harder time making illegal purchases. When you train your employees on tobacco sales laws, everybody wins.

The Partnership

Part 1 of 3

What is Wisconsin Wins Teams & How Does It Work?

- ✓ The teams consist of both adults & minors who visit retail, restaurants, and bars checking for compliance with tobacco related laws.
- ✓ The teams will enter an establishment at varying times during regular hours of operation and attempt to purchase a tobacco product.
- ✓ The establishment is then notified of the results of the visit or investigation.
- ✓ If there is failure by the employee and or the establishment to follow state regulations citations may be issued.
- ✓ The Wisconsin Wins Teams visits are primarily meant to support those establishments that take the tobacco laws seriously and show a commitment to not selling nicotine products to minors.

The Law

Part 2 of 3

State Statute 134.66 prohibits the sale of tobacco and nicotine products to anyone under the age of 21.

Age-restricted tobacco products include:

- ✓ Cigarettes
- ✓ Cigars
- ✓ Rolling papers containing tobacco
- ✓ Chewing tobacco & loose tobacco
- ✓ E-cigarettes that contain nicotine

It is critical to remember that both the Retailer and you the Employee will be assessed huge penalties when the law is broken.

The Sale

Part 3 of 3

Productively dealing with no sale situations:

- ✓ Never hesitate to involve a supervisor or more senior employee.
- ✓ When dealing with friends or individuals you know remind them of the illegality of selling tobacco to minors and store cameras.
- ✓ If an adult 18 years or older would like to purchase tobacco, they must do so themselves. It is never acceptable or legal for a minor to purchase for them.
- ✓ If necessary, feel free to share with any minor that you could be fined and or loose your job if you sell to them.



**Challenge
Question 1**

- 1 Federal law prohibits the sale of all tobacco products to anyone under the age of ____.*
- 18
 - 19
 - 20
 - 21

**Challenge
Question 2**

- 3 Nationwide, age-restricted tobacco products include which of the following?
- Cigarettes & cigars
 - Chewing tobacco & loose tobacco
 - E-cigarettes & e-liquid
 - All the above

**Challenge
Question 3**

- 5 Wisconsin Wins teams, made up of _____, regularly check for your compliance with the state law.*
- 6 Health agencies, law enforcement, and minors
- Specific law enforcement agents only
 - Department of Revenue agents only
 - Local law enforcement agents only

**Challenge
Question 4**

- 7 Which statement is true regarding Tobacco? *
- 8 Has serious health consequences and kills 1,300 people every day
- Is not addictive to young people
 - Has no health risks to young people
 - Is considered acceptable in moderation