

UTAH TOBACCO RETAILER EDUCATION GUIDE
The TRUTH™



**WE I.D.
EVERYONE**

PRODUCED BY THE UTAH DEPARTMENT OF HEALTH AND
UTAH'S 12 LOCAL HEALTH DEPARTMENTS

TOBACCO SALES QUIZ*

1. In Utah, the legal age to buy or possess tobacco is:
 - 18
 - 19
 - 21

2. The law applies to cigarettes, but not to chewing tobacco.
 - True
 - False

3. About ninety percent of people who become regular adult smokers start before the age of 19.
 - True
 - False

4. Selling tobacco once to an underage youth could result (for clerks) in a:
 - Class A misdemeanor = Fines up to \$2,500, or up to one year in jail, or both
 - Class B misdemeanor = Fines up to \$1,000, or up to six months in jail, or both
 - Class C misdemeanor = Fines up to \$750, or up to 90 days in jail, or both

5. Selling tobacco twice to an underage youth could result (for clerks) in a:
 - Class A misdemeanor = Fines up to \$2,500, or up to one year in jail, or both
 - Class B misdemeanor = Fines up to \$1,000, or up to six months in jail, or both
 - Class C misdemeanor = Fines up to \$750, or up to 90 days in jail, or both

6. Selling tobacco three times to an underage youth could result (for clerks) in a:
 - Class A misdemeanor = Fines up to \$2,500, or up to one year in jail, or both
 - Class B misdemeanor = Fines up to \$1,000, or up to six months in jail, or both
 - Class C misdemeanor = Fines up to \$750, or up to 90 days in jail, or both

7. Which of the following are acceptable forms of ID for tobacco sales? (Check all that apply.)
 - Valid driver license
 - Credit card with picture
 - School identification card
 - Social Security card
 - State identification card
 - Passport
 - Military identification card



- 8. If adults send their children with a note to buy cigarettes for them, is it OK to make the sale?
 - Yes
 - No
 - It depends on whether the parent has signed the note and if it looks OK

- 9. The penalty to the tobacco license holder when tobacco is illegally sold in his/her store four times within a 12-month period is:
 - A civil penalty of up to \$300
 - A civil penalty of up to \$750
 - A civil penalty of up to \$1000, and license to sell tobacco revoked for up to 12 months

- 10. A general rule to follow is to ask to see a valid form of ID for any customer appearing to be younger than:
 - 27 years old
 - 19 years old
 - 35 years old

- 11. Which is **NOT** an effective way to refuse a sale?
 - Politely and firmly say that you cannot sell the product
 - State the reason you cannot sell the product
 - Remove the product from the counter
 - Angrily accuse the customer of attempting to do an illegal act

- 12. If a customer's birth date was 7/19/86, and today's date is 8/18/05, could you legally sell tobacco to him or her?
 - Yes
 - No

Employee's Signature Date

Store Manager's Signature Date

* Answers to the tobacco sales quiz can be found by going to <http://www.tobaccofreeutah.org/retguide.pdf>



OVERVIEW

THE PROBLEM

Tobacco is the leading cause of preventable death and disability in Utah. Research shows:

- About ninety percent of people who will become regular adult smokers start smoking before the age of 19.¹
- Every day nearly 4,000 U.S. young people under the age of 18 try their first cigarette.²
- One out of three young people who become regular smokers will die of a smoking-related disease.³

UTAH TOBACCO LAWS AT-A-GLANCE*

Nearly ninety percent of people who become regular adult smokers start before the age of 19.¹ That is why it is important that employees selling tobacco be aware of, and comply with, the laws. The following laws apply to tobacco sales and use in Utah and are current as of April 2005. The title and a brief description of each law are listed below.

Minors	
76-10-104	Furnishing cigars, cigarettes, or tobacco to minors--Penalties. Prohibits the selling, giving, sending, or furnishing of tobacco to anyone under the age of 19.
Retail	
26-42- 101 to 107	Civil penalties for tobacco sales to underage persons. Lists administrative, monetary, suspension, and revocation penalties imposed on the licensee for sales made to individuals under the age of 19.
76-10-103	Permitting minors to use tobacco in place of business. States that proprietors of businesses may not knowingly permit those under the age of 19 to use tobacco on the business premises.

* Excerpts above are from the Utah Code and are for informational purposes only. All applicable laws are not listed here. The full text of the laws referred to, and additional laws, are available in the Utah Tobacco Retailer Education Guide, available at <http://www.tobaccofreeutah.org/retguide.pdf>, or can be found by going to the Utah Tobacco Prevention and Control Program web site: <http://www.tobaccofreeutah.org/laws-glance.html>.



PENALTIES FOR ILLEGAL TOBACCO SALES

CRIMINAL PENALTIES IMPOSED ON AN INDIVIDUAL WHO MAKES AN ILLEGAL UNDERAGE SALE

Utah Criminal Code Misdemeanors and Infractions

76-3-104, 76-3-105, 76-3-204, and 76-3-301

Offense	Classification	Criminal Penalty
1st Offense	Class C misdemeanor	Maximum 90 days in jail or maximum fine of \$750, or both
2nd Offense	Class B misdemeanor	Maximum 6 months in jail or maximum fine of \$1000, or both
3rd Offense (or more)	Class A misdemeanor	Maximum 1 year in jail or maximum fine of \$2500, or both

CIVIL PENALTIES IMPOSED ON A TOBACCO LICENSE HOLDER FOR ILLEGAL SALE OF TOBACCO BY AN EMPLOYEE

Utah Code 26-42-103

Offense	Civil Penalty
1st Offense	Not more than \$300
2nd Offense*	Not more than \$750
3rd Offense*	Not more than \$1,000 and up to 30-day suspension of tobacco license
4th Offense*	Not more than \$1,000 and 1-year revocation of tobacco license

*Offenses, monetary penalties, and revocations are based on repeat offenses within a 12-month "rolling window."

OTHER CIVIL PENALTY CONSIDERATIONS

- Civil monetary penalties can be reduced if the licensee has proof of a documented employee training program and evidence that the employee was trained [Utah Code 26-42-106].
- The civil penalty is the tobacco licensee's responsibility. Withholding employee wages to pay civil penalties may not be legal. For questions, call:

State: Utah State Labor Commission - Hearing Officer (801) 530-6802.

Federal: U.S. Department of Labor/Wages and Hour Division - Information Officer (801) 524-5706 ext. 200.



HOW TO AVOID THE ILLEGAL SALE OF TOBACCO TO UNDERAGE YOUTH

It is often hard to tell if a person is of legal age to buy tobacco. In order to avoid making an illegal sale, follow this rule: check the identification (ID) of all customers who appear to be under the age of 27 (or older, according to store policy).

ACCEPTABLE FORMS OF ID

The following are acceptable forms of ID:

- Current Utah driver license (See page 8 for sample of under 21 and adult driver license.)
- Current state ID card (See page 9 for sample of under 21 and adult state identification card.)
- Current out-of-state driver license
- Current military identification card
- Current passport

WHAT TO LOOK FOR:

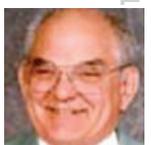
- Make sure the date of birth on the ID shows that the person is 19 years of age or older.
- Make sure the ID has not expired.
- Make sure the picture matches the person showing the ID.
- Make sure the picture or numbers on the ID do not appear to be altered in any way.

You may need to ask customers to take their IDs out of their wallets or purses so that you can feel the IDs and get a closer look. You may also need to ask customers to remove glasses or hats so that you can make sure they match the person in the photo. If you have any doubts about the validity or authenticity of the ID, refuse the sale.

COMMON MISTAKES:

- Overriding the computerized system for someone who appears younger than 27.
- Asking for ID and then not checking the age, or miscalculating the age.
- Accepting ID that is not a valid government-issued photo ID.
- Asking for a customer's date of birth instead of checking the ID.

Remember: You must check the date of birth on the ID to find out if the customer is of legal age to purchase tobacco products. Even if a customer shows a valid ID, such as a military ID or passport, he or she may still not be old enough to buy tobacco.



HOW TO REFUSE AN ILLEGAL TOBACCO SALE

- Always ask for ID before getting the tobacco product.
- Give a firm yet polite response.
- State the reason you cannot sell the product.

SAMPLE ILLEGAL SALE SITUATIONS

Discuss and/or practice how you would handle the following:

- Underage customer with ID indicating that he or she is underage
- Underage customer purchasing for an adult (i.e. for father or mother)
- Customer without ID who appears under age
- Customer without ID who appears over 19 but under 27
- Adult buying for someone under age
- Friend of clerk who is under age attempts to purchase

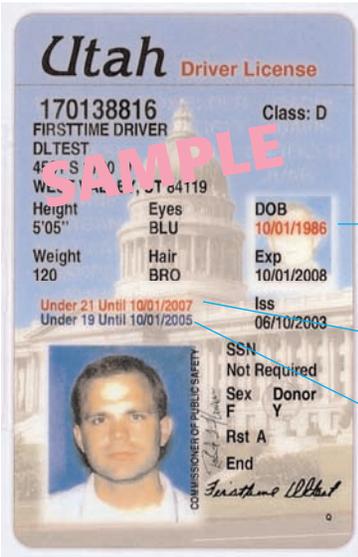
INCENTIVES FOR OBEYING THE LAW

Benefits of complying with Utah tobacco laws:

1. You won't get fined, serve a jail term, or lose your job.
2. You will gain the respect of the community.
3. You may be rewarded by your local health department or your manager.
4. You will help reduce the number of kids who may become addicted to tobacco.
5. Fewer underage youth will target your store for illegal purchases.

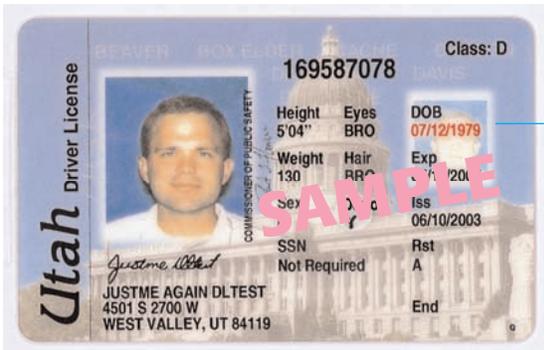


Under 21 Driver License



- Vertical format for individuals under the age of 21.
- Date of birth (DOB) is in red writing.
- The words "Under 21 (alcohol) Until" appear above portrait in red.
- The words "Under 19 (tobacco) Until" appear above portrait in blue.

Adult Driver License



- Date of birth (DOB) is in red writing.

Images used with the permission of the Utah Department of Motor Vehicles.



Under 21 State Identification Card



- Date of birth (DOB) is in red writing.
- The words "Under 21 (alcohol) Until" appear above portrait in red.
- The words "Under 19 (tobacco) Until" appear above portrait in blue.

Adult State Identification Card



- Date of birth (DOB) is in red writing.

Images used with the permission of the Utah Department of Motor Vehicles.



WHERE TO GO FOR HELP

Materials to assist you in your efforts are available free of charge, and may include posters, decals, and point-of-sale stickers.* To order these materials, please contact your local health department. Also, your local health department may be willing to assist with your training needs.

County	Health District	Telephone
Beaver	Southwest Utah Public Health Department	(435) 986-2589
Box Elder	Bear River Health Department	
	North (Tremonton Area)	(435) 257-3318
	South (Brigham City Area)	(435) 734-0845
Cache	Bear River Health Department	(435) 792-6510
Carbon	Southeastern Utah District Health Department	(435) 637-3671
Daggett	Tri-County Health Department	(435) 781-5475 or (435) 781-5468
Duchesne	Tri-County Health Department	(435) 722-5085
Davis	Davis County Health Department	(801) 451-3398
Emery	Southeastern Utah District Health Department	(435) 637-3671
Garfield	Southwest Utah Public Health Department	(435) 986-2589
Grand	Southeastern Utah District Health Department	(435) 259-5602
Iron	Southwest Utah Public Health Department	(435) 986-2589
Juab	Central Utah Public Health Department	(435) 835-2231
Kane	Southwest Utah Public Health Department	(435) 986-2589
Millard	Central Utah Public Health Department	(435) 864-3612
Morgan	Weber-Morgan Health Department	(801) 399-8106
Piute	Central Utah Public Health Department	(435) 835-2231
Rich	Bear River Health Department	(435) 792-6510
Salt Lake	Salt Lake Valley Health Department	(801) 468-2124
San Juan	Southeastern Utah District Health Department	
	Blanding Office	(435) 678-2723
	Monticello Office	(435) 587-2021
Sanpete	Central Utah Public Health Department	(435) 835-2231



Sevier	Central Utah Public Health Department	(435) 896-5451 ext. 40
Summit	Summit County Health Department	(435) 615-3912
Tooele	Tooele County Health Department	(435) 843-2310
Uintah	Tri-County Health Department	(435) 781-5475 or (435) 781-5468
Utah	Utah County Health Department	(801) 851-7098
Wasatch	Wasatch County Health Department	(435) 654-2700 ext. 3260
Washington	Southwest Utah Public Health Department	(435) 986-2589
Wayne	Central Utah Public Health Department	(435) 896-5451 ext. 40
Weber	Weber-Morgan Health Department	(801) 399-8106

*Subject to availability.

For additional help and information, see:

- Utah Department of Health's Tobacco Prevention and Control Program:
<http://www.tobaccofreeutah.org> or (801) 538-6260.
- Utah State Tax Commission (for tobacco licensing questions):
<http://www.tax.utah.gov/taxes/cigarette.htm>, or (801) 297-3540 or (800) 662-4335 [toll-free in state].
- Utah Indoor Clean Air Act (what is required by the UICAA, sample policies, sample signage, and other information to help businesses and building managers comply with the law):
<http://www.tobaccofreeutah.org/uicaastat&rule.html>, or (801) 538-6260 or (801) 538-6754.

REFERENCES

1. U.S. Department of Health and Human Services. (1994). Preventing tobacco use among young people: a report of the surgeon general. Atlanta GA: Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
2. Centers for Disease Control and Prevention. (2005). Tobacco information and prevention source (TIPS). Retrieved January 14, 2005, from <http://www.cdc.gov/tobacco/issue.htm>
3. Centers for Disease Control and Prevention. (1996). Projected smoking-related deaths among youth -- United States [Electronic version]. *Morbidity & Mortality Weekly Report*, 45/(44), 971-974.



PROOF OF TOBACCO TRAINING DOCUMENT

I understand that Utah law prohibits the sale of tobacco products to persons under 19 years of age. I have reviewed the guidelines regarding the sale of tobacco products to underage youth and understand that failure to follow store policy may result in LOSS OF MY JOB, a FINE (UP TO \$2500), and JAIL TIME!

I AGREE TO THE FOLLOWING LAWS AND COMPANY POLICIES ABOUT THE SALE OF TOBACCO PRODUCTS: (Please initial in each space provided.)

- ____ I will not sell tobacco products (cigarettes, chewing tobacco, smokeless tobacco, or smoking paraphernalia) to anyone under the age of 19.
- ____ If the person appears to be under 27, or older, according to store policy, I will ask for ID. If there is any doubt about the person's age, I will not make the sale.
- ____ I will not knowingly sell tobacco to any adult for use by individuals under the legal age. If I think this is happening, I will not make the sale.

In turn, management agrees to support my judgment in not making sales in any of the above cases.

I certify that I was trained on the date listed below, and that the training included the following components:

- A clear definition of what constitutes a tobacco product.
- The legal age for purchase.
- Instruction on when and how to ask for ID.
- Instruction on performing age ID checks for any customer who appears to be less than 27 years of age (or older, according to store policy).
- Instruction on how to detect false ID.
- Instruction on how and when to refuse a sale.
- Instruction on how to refuse a sale when an adult clearly attempts to buy for an underage youth.
- The consequences of an illegal sale.

Employee's Signature Date

Store Manager's Signature Store Name Date

This agreement will be maintained in our personnel file as part of your permanent employee record.

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