

A Message from the Director:

We know that tobacco is the number one preventable cause of death and disease in Michigan, and that the majority of smokers start before they are 18 years old. We also know that the earlier a person starts using tobacco, the harder it is to quit. For these reasons, the Michigan Department of Health and Human Services (MDHHS) continues to focus its attention on the prevention of tobacco sales to minors.

In an effort to help you comply with the Michigan Youth Tobacco Act (YTA) we are providing you with our SMART merchant's tobacco package. We want to make it easy for you to comply with this law. For your convenience, this compact kit has examples of: a store policy, a management notice to employees, tips for employee training, excerpts of the YTA, and two sizes of required YTA signage. The law requires that the Michigan YTA warning sign be displayed near each point of sale. If you would like to receive a master template of YTA documents, call the MDHHS Clearinghouse at 1-800-353-8227 or you may download signs from the website at www.healthymichigan.com.

You are also invited to visit our youth access to tobacco website at www.michigan.gov/saprevention and click on "Youth Access to Tobacco and Synar" for a detailed merchant education handbook, a PowerPoint presentation, guidance for tobacco policy, underage vertical driver's license identification, materials, tips from the Food and Drug Administration, a sample employee quiz, and other useful resource materials.

Finally, we are especially happy to offer a FREE online certificated exam for you and your employees. Simply go to: <http://improvingmipractices.org/>. After completion, you may proudly display your certificate to show law enforcement and your community that you are "all in" when it comes to protecting youth.

For the past eleven (11) years, Michigan has been in compliance with the federal regulation that at least 80 percent of vendors refuse to sell tobacco products to youth under age 18. Thank you for your diligence! Let's continue our progress in this area.

Sincerely,



Robert Gordon, Director
Michigan Department of Health and
Human Services



Why Care About Smoking?

Some tobacco use facts from the Center for Disease Control:

- Worldwide, tobacco use causes more than 6 million deaths per year; and current trends show that tobacco will cause more than 8 million deaths annually by 2030.
- Tobacco is responsible for about one in five deaths annually (e.g., more than 480,000 deaths per year; estimate 41,000 result of secondhand smoke exposure).
- On average, smokers die 10 years earlier than nonsmokers.
- Smoking causes cancer, heart disease, stroke, and lung diseases (including emphysema and chronic bronchitis).
- For every person who dies from a smoking-related disease at least 30 people live with a serious smoking-related illness.
- Smoking-related illness costs more than \$156 billion in lost productivity; nearly \$170 billion in direct medical care for adults.
- Secondhand smoke costs more than \$5.6 billion in lost productivity.
- Approximately 68% of smokers want to quit completely.
- Approximately 55% of smokers attempted to quit in 2010.
- Each day, nearly 3,200 persons younger than 18 years of age smoke their first cigarette.
- Each day, about 2,100 youth and young adults become new daily cigarette smokers.



The National Response:

In July 1992, Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (P.L. 102-321), which includes an amendment (section 1926) aimed at decreasing youth access to tobacco. The Synar amendment was named for its sponsor, Congressman Mike Synar of Oklahoma. It requires all states to:

- 1) Enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18.
- 2) Conduct formal Synar surveys (random, unannounced inspections).
- 3) Achieve and maintain a youth tobacco sales rate of 20 percent or less.

The penalty for a state exceeding the 20% retailer sales rate is loss of up to 40 percent of its Substance Abuse Prevention and Treatment (SAPT) Block Grant funds. In Michigan's case this could be as much as \$22.2 million.

Do Your Part to Keep Tobacco Away from Kids



An introductory guide for SMART business people ...

*Michigan Department of Health and Human Services
Behavioral Health and Developmental Disabilities Administration*

Office of Recovery Oriented Systems of Care

320 South Walnut Street

Lansing, Michigan 48913

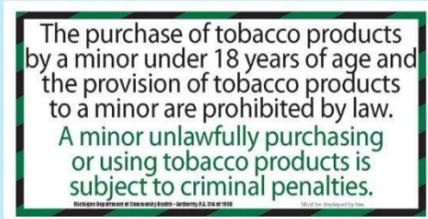
517-335-2300

The State Response:

Youth Tobacco Act (YTA)

Michigan's response has been to fortify the existing Youth Tobacco Act of 1918, making it inclusive of the following key components:

- A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the Michigan Department of Health and Human Services (MDHHS) that includes the following statement: **“The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.”**
- The MDHHS must produce signage and provide free copies of the sign to tobacco vendors.
- It is illegal to sell, give, or furnish a tobacco product to a person under the age of 18.
- A person under the age of 18 shall not possess or use a tobacco product in a public place of business or amusement. Other requirements for this offense may include participation in a health promotion and risk reduction program, and court ordered community service.
- A person who sells tobacco products at retail shall not sell a cigarette separately from its package – [“loosies”].



YTA Exceptions:

- 1) Compliance checks may be conducted under the direction of a substance abuse coordinating agency [Prepaid Inpatient Health Plan] as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, and with the prior approval of the state police or a local police agency.
- 2) Does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

YTA History: 1915, Act 31, Eff. Aug. 24, 1915 ;-- CL 1915, 5186 ;-- CL 1929, 12827 ;-- CL 1948, 722.642 ;-- Am. 1972, Act 29, Imd. Eff. Feb. 19, 1972 ;-- Am. 1988, Act 314, Eff. Mar. 30, 1989 ;-- Am. 2006, Act 236, Eff. Sept. 1, 2006

SMART Tobacco Vendors Guidance:

SMART merchants proactively and consistently assert themselves as managers and community leaders. Their businesses are welcomed as assets not frowned upon as a neighborhood deficit. In the case of tobacco, they practice the following 5 healthy habits: display **Signage**, have a clear **Manager's Policy**, request **Age Verification**, **Require Legal Compliance**, and provide **Training for all employees**.



Signage

- ✓ If sign is 6 feet or more from the point of sale, post 8 1/2" by 5 1/2" YTA signage in 36-point boldfaced type.
- ✓ If sign is less than 6 feet from the point of sale, post the 2" by 4" sign with required YTA language in 20-point boldfaced type.
- ✓ Valid signage for state law enforcement must be produced by the Michigan Department of Health and Human Services, other signage is considered optional by the State of Michigan.

Manager's Policy

MANAGEMENT NOTICE TO EMPLOYEES SHOULD INCLUDE:

Studies show that minors easily buy tobacco products even though state law prohibits sales to anyone under the age of 18. To stop the sale of tobacco to minors, and to comply with state law, the following policy is effective immediately:

- This company will not sell cigarettes, chewing tobacco, smokeless tobacco, e-cigarette liquid or devices, or smoking paraphernalia to anyone under the age of 18.
- You must request valid photo identification for anyone attempting to purchase tobacco products who appears to be under the age of 30.
- A clerk who sells tobacco products to a minor is subject to fines of up to \$50 for each offense, plus court costs and attorney fees.
- If a customer complains about this policy, please explain that state law prohibits the sale of tobacco products to those under the age of 18, and therefore we refuse to sell to minors.
- If you have any questions, please confer with your supervisor.
- Failure to adhere to store policy will result in disciplinary action.

SMART Tobacco Vendors Guidance: (continued)

Age Verification

- ✓ Ask for ID from ANYONE who appears under 30.
- ✓ If under 18 or no ID, do not sell tobacco to them.

Denial Clauses:

- “Sorry, I can't sell to you”
- “It's the law”
- “I can be fined”
- “It's my company policy”
- “I could be fired”

Required Legal Compliance

The unlawful sale or purchase of tobacco products is a misdemeanor punishable by **fines from \$50 to \$500 for each offense + court costs + attorney fees. Penalties apply to the seller not the owner.**

Training

Prior to selling tobacco employees should:

- Complete tobacco training course at <https://www.improvingmipractices.org>
- Pass test with passing grade of 80%
- Review **tobacco policy and procedures** with manager
- Review required signage
- Sign statement that they have read and understand policy

It is an affirmative defense that an employer showed diligence by having written policy and training in force at the time of an alleged sale to a minor.

ATTENTION: If your store also sells alcohol, violations of the Youth Tobacco Act can lead to notification of the Liquor Control Commission and additional fines. If your store sells lottery tickets, the Lottery Commission may also be notified.

