

KEEPING TOBACCO AWAY FROM KIDS

Retailer Education Kit

A Program Developed by
Michigan's Youth Access To Tobacco Workgroup

May 2013



***Every day almost 3,500 kids
between 12 and 17 years of age
smoke their first cigarette, and an
estimated 850 kids become daily
cigarette smokers.***

FDA, U.S. Food and Drug Administration

PROGRAM GOALS »

Tobacco Affects
Everyone's Health

Your Legal
Responsibility

Refusing to Sell
Tobacco to Teens

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Tobacco Affects Everyone's Health

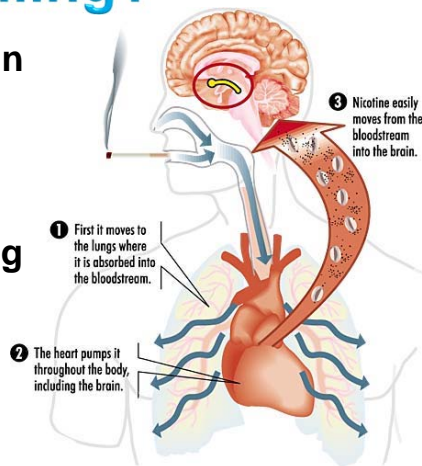


**Why should you be concerned
about selling tobacco to kids?**

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What are You Selling?

- ▶ Nicotine reaches the brain within 10 seconds after smoke is inhaled
- ▶ Nicotine goes to every part of the body, including breast milk
- ▶ Carbon monoxide binds to hemoglobin in red blood cells, preventing them from carrying a full load of oxygen



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What are You Selling?

- ▶ Cancer-causing agents (carcinogens) in tobacco smoke damage important genes that control the growth of cells, causing them to grow abnormally or to reproduce too rapidly
- ▶ Smoking affects the immune system and may increase the risk for respiratory and other infections



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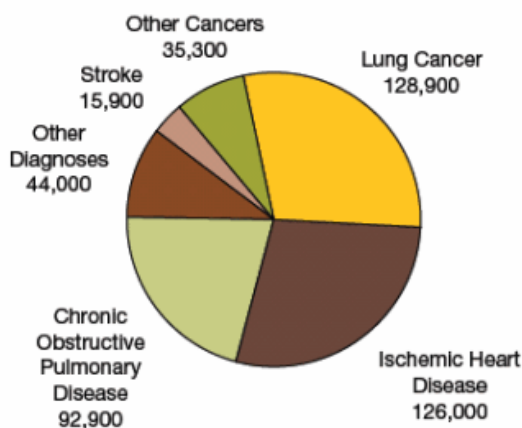
Why . . . Tobacco addiction hurts all of us . . .

- ▶ Tobacco use is the number one **preventable** cause of death and disease in Michigan
- ▶ *Smoking a few cigarettes a week can cause a heart attack*
- ▶ Habitual smoking increases the risk of smoking-related cancers; risk rises as the individual continues to smoke
- ▶ *The earlier a person starts using tobacco, the harder it is to quit*
- ▶ Nicotine is addictive in ways similar to heroin, cocaine, and alcohol

The 2010 Surgeon General's Report

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About 443,000 U.S. Deaths Attributable Each Year to Cigarette Smoking*



* Average annual number of deaths, 2000–2004. Includes deaths from secondhand smoke.
Source: *MMWR* 2008;57(45):1226–1228.

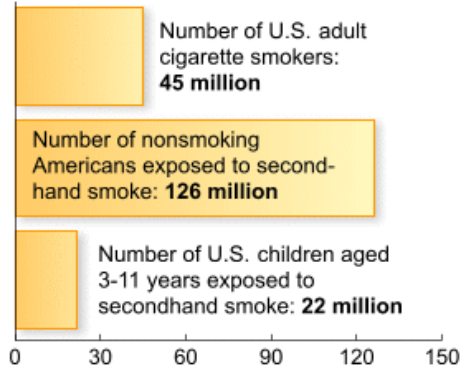
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Why . . . Tobacco addiction hurts all of us . . .

- ▶ Poisons in secondhand smoke put children in danger of severe respiratory diseases and may hinder the growth of their lungs

- ▶ There are no safe levels of secondhand smoke exposure for anyone

Secondhand Smoke

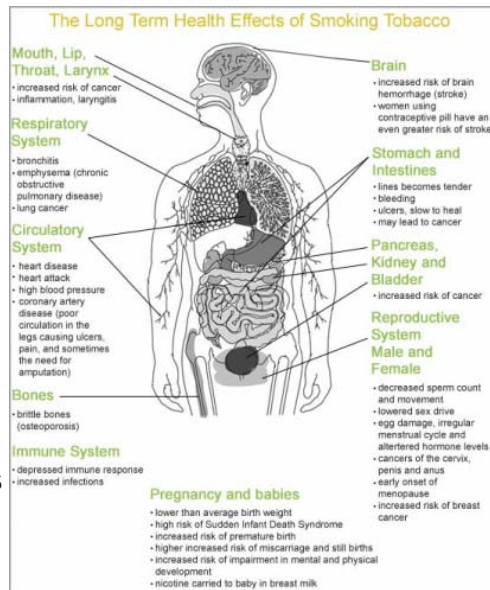


Content source: National Center for Chronic Disease Prevention and Health Promotion, Division of Adolescent and School Health & US Centers for Disease Control & Prevention

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Costly Health Problems

- ▶ Costs for disease and death are paid by everyone through tax supported programs like Medicaid, Medicare, disability, health departments, and health and hospital systems
- ▶ You and your employer also pay through increased health insurance costs and time lost from work



For a complete list of the effects of smoking see Winstanley et al (1995) 10

Why . . .

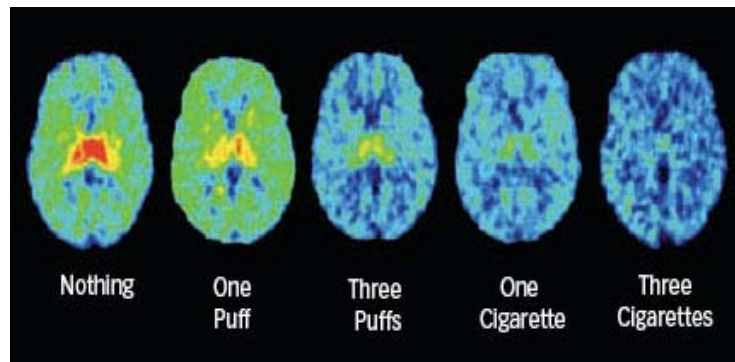
Because young bodies & brains are still developing . . .

- ▶ Teens are more likely to become strongly addicted to nicotine
- ▶ Children and teenagers constitute the majority of all new smokers
- ▶ Youth who try to quit suffer the same nicotine withdrawal symptoms as adults

Content source: National Center for Chronic Disease Prevention and Health Promotion, Division of Adolescent and School Health

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Dark Blue Areas Indicate Brain Nicotine Receptors



SMOKING SATURATES RECEPTORS

National Institute on Drug Abuse, NIH

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Unique Youth Facts . . .

- ▶ **83% of young smokers (aged 12-17) choose the three most heavily advertised brands of cigarettes**
- ▶ **Most young smokers start before they are 18 years old**
- ▶ **14% of students under the age of 18 who currently smoke cigarettes reported they usually obtained their own cigarettes by buying them in a store or gas station**

Content source: National Center for Chronic Disease Prevention and Health Promotion, Division of Adolescent and School Health

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Where do kids get their smokes?

643 youth smokers responded to the following question - During the past 30 days, how did you usually get your own cigarettes?

- **24.0% borrowed or bummed off of someone else**
- **23.5% gave someone else money to buy them**
- **11.2% received from a person 18 years or older**
- **20.0% bought them in a store**
- **2.5% bought them from a vending machine**
- **6.0% reported getting them through a store or family member**
- **12.0% reported getting them some other way**

Content source: Michigan YTS 2011

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Your Legal Responsibility



Michigan Youth Tobacco Act YTA

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Michigan YTA Definitions

- ▶ **"Minor"** means an individual under 18 years of age.
- ▶ **"Person who sells tobacco products at retail"** means an individual whose ordinary course of employment includes the retail sale of tobacco products and is a "seller."
- ▶ **"Public place"** means a public street, sidewalk, or park, or any area open to the general public in a publicly owned or operated building or public place of business.
- ▶ **"Use a tobacco product"** means to smoke, chew, suck, inhale, or otherwise consume a tobacco product.

MCL722.644

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Sign Requirements

- ▶ Retail stores that sell tobacco must post the state required sign
- ▶ The sign must be posted close to the register
- ▶ Customers and employees must be able to easily see the sign
- ▶ The sign is available from the Michigan Department of Community Health at <http://www.healthymichigan.com/PDF/T126.pdf>

MCL 722.641 (2)

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**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.**

Michigan Department of Community Health • Authority: P.A. 314 of 1998
Must be displayed by law.

<http://www.healthymichigan.com/PDF/T126.pdf>

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Minors under the age of 18 shall not:

- ▶ **Purchase** or attempt to purchase a tobacco product
- ▶ **Possess** or attempt to possess a tobacco product
- ▶ **Use** a tobacco product in a public place
- ▶ **Attempt** to purchase tobacco with a false ID

MCL 722.642



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Products Prohibited to Youth

- ▶ **"Tobacco product"** means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco and cigars



MCL722.644(d)

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Products Prohibited to Youth

Can you spot the tobacco products?



Tobacco Seller Regulations

- ▶ No person shall **sell**, give, or furnish a tobacco product to a minor
- ▶ Any person who **sells**, gives, or furnishes tobacco to a minor is guilty of a misdemeanor punishable by a fine of up to \$50.00 for each violation

MCL 722.641

Seller, it is *YOUR* responsibility!



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Third Party Sales

- ▶ Clerks can refuse sales to persons that may be purchasing tobacco products for minors
- ▶ Sellers should be aware of others purchasing tobacco products for minors and refuse those sales
- ▶ Remember, stats say that over 50% of kids in Michigan report that they get adults to buy for them

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Single Cigarettes - Loosies

- ▶ A retailer who sells tobacco products *shall not sell* a *cigarette separately* from its package
- ▶ This does not apply to a person who sells tobacco products at retail in a tobacco specialty retail store
- ▶ A person who sells single cigarettes is guilty of a misdemeanor, punishable by a *fine up to \$500.00* for each offense

MCL 722.642a

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Retail Sales

- ▶ Remember, the CLERK who sells tobacco products to a minor is fined, NOT the store or store owner under Michigan Law
- ▶ Minor employees can have tobacco products in their possession when making a delivery in the course of their employment
- ▶ Clerks **CAN** be under age 18



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Other Penalties for Selling Tobacco to Minors

- ▶ *Clerks may be fired* for selling tobacco to a minor per company policy
- ▶ *The retailer* could face violations and fines by the **Michigan Liquor Control Commission (MLCC)** if employees are convicted of selling tobacco to minors
- ▶ *The Lottery Commission* can require annual *fees* if license holder is convicted of illegal acts or MLCC violations

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Refusing to Sell Tobacco to Teens



Checking Identification
How to Refuse a Sale

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Checking Identification

- ▶ Every seller is responsible for verifying the age of anyone purchasing tobacco products
- ▶ Make a “diligent inquiry” to determine the age of every person buying tobacco
- ▶ The FDA requires a clerk to *always ask* anyone who is under **27** years old for ID
- ▶ Always follow your company policy for checking identification

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“Diligent Inquiry”

- ▶ Always hold the ID in your hand
- ▶ Make sure that it is not expired
- ▶ Use the *ID Checking Guide* for out of state driver’s licenses, at <http://www.driverslicenseguide.com>
- ▶ Check the picture to make sure that it is the same person as the ID
- ▶ Check for alterations to the ID
- ▶ Use a black light for security features

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Acceptable Michigan Identification



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Michigan's transition to new driver's licenses and ID cards

Michigan's License Being Phased Out

- Licenses are valid until their expiration date
- Licenses and IDs will be phased out of circulation by 2015
- Some Graduated Driver Licenses with this design will be in circulation as late as 2016



New License and ID Card Design Features

- State seal on the front viewable under a black light
- Cardholder's photo and birth date viewable on back under black light
- Laser-perforated word "MICH" is viewable when held up to a light
- Optically variable image of a bridge and the word "Michigan" appears and disappears when viewed from different angles



Michigan's Enhanced License


- Shares the basic design of the new standard license and state ID card
- Features a U.S. flag by the cardholder photo
- Existing cards lack the laser perforation and information viewable under black light on the back of the card.



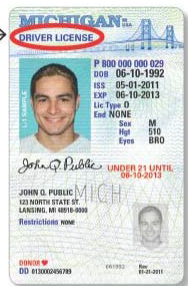
Effective: March 2011

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Adult Format Driver's License and Personal ID Card



Younger Than 21 Format Driver's License



- ▶ Vertical IDs still have "Under 18 until" and "Under 21 until"
- ▶ Front has color *Great Seal* & image of the bridge seen with a black light
- ▶ Complete information on the cardholder is contained in the barcode
- ▶ The magnetic strip contains the DL or ID number and the DOB of the driver, and expiration date of the card
- ▶ Issue date is on the front

■ Read the top of the card to verify the type of ID or license.

■ Security features only apply to new standard licenses and ID cards, not older versions or enhanced licenses

▶ A laser-perforated "MICH" is seen when held up to light

▶ Photo and birth date are on the back seen under a black light

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Reverse of Card

1D Bar code


Magnetic Stripe

2D Bar code

Laser perforation

Ghost image visible under UV light


Date of birth visible under UV light



Front Laminate

Tri-color optically variable device: Bridge and word "Michigan" appear and disappear depending on how card is held

Full-color image of the state seal: Visible only under UV light.



Effective: March 2011 — www.Michigan.gov/sos

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What is Acceptable ID?

- ▶ ID is acceptable when you can identify it and verify its authenticity - if you cannot read it or are not familiar with it, do not accept it
- ▶ Government issued ID – passports, military ID - must have a picture and the date of birth
- ▶ Any state driver license and identification card
- ▶ Some vertical IDs may be acceptable – **ALWAYS CHECK THE DATE CAREFULLY**
- ▶ All of the above must be current and not expired

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Checking the ID

- ▶ Is the ID government issued?
- ▶ Is it from out of state – did you check the *ID Checking Guide*?
- ▶ Do the eyes, nose and mouth shape look right? (They don't change like the hair color or style)
- ▶ Do you need to ask the person questions like what is the street name, date of birth, horoscope sign or county?
- ▶ Are you still in doubt? **REFUSE THE SALE!**
 - Always document the incident to protect yourself.

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The image shows a sample signage for tobacco and alcohol purchases. The sign is white with a green and black striped border. It contains the following text:

Your Birthdate Must Be
On Or Before This Date In
1994
To Purchase
TOBACCO

— AND —

Your Birthdate Must Be
On Or Before This Date In
1991
To Purchase
ALCOHOL

Michigan Department of Community Health
MDCH
Expires 12/31/12
Additional copies can be downloaded from www.healthymichigan.com

*SAMPLE
SIGNAGE
2012*

<http://www.healthymichigan.com/PDF/T114.pdf>

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Reasons to Refuse a Sale

- ▶ The customer refuses to show identification
- ▶ You suspect an adult is purchasing tobacco products for a minor
- ▶ The person is underage and tells you they are purchasing tobacco products for a parent – *Do not accept notes from parents!*
- ▶ You have any doubts about the identification of the person attempting to purchase tobacco

Refusing a Tobacco Sale

- ▶ Politely tell the customer you cannot sell tobacco to them
- ▶ Try to use the following statements when refusing a tobacco sale:
 - “I’m sorry. It’s against the law.”
 - “I can be fined and even lose my job.”
 - “Is there anything else I can get for you?”
 - “I’d be happy to hold this for you while you go get your ID.”

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Best Practices for Tobacco Retailers, Owners, & Managers



Identification
Training
Written Policies
Management Duties

Numerous studies have shown that comprehensive merchant education and training programs help reduce illegal sales to minors.

2000 Surgeon General's Report

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Best Practices – Identification

- ▶ **Require IDs for all customers purchasing tobacco or at a minimum for those appearing under age 30**
- ▶ **Accept only government-issued, unexpired, photo IDs that include the person's birth date**
- ▶ **Require that the ID be handed to the clerk to check for alterations or signs of false identification**
- ▶ **Require employees to record in a store log all underage purchase attempts and actions taken by the clerk to refuse the sale**

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Best Practices – Training

- ▶ **Train all employees that sell tobacco**
 - **Test them at the end of training**
 - **Test them on age calculation**
- ▶ **Require that only trained, designated staff handle sales of age-restricted products**
- ▶ **Discuss refusing tobacco sale situations at staff meetings and during regular management meetings**
- ▶ **Provide refusal skill training to staff upon hire and every 6-months**
- ▶ **Include information on health and prevention in training materials**

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Best Practices – Written Policies

- ▶ **Have written policies on what types of identification is acceptable**
- ▶ **Provide written protocol for staff to follow when refusing identification**
- ▶ **Establish a reporting process for employees to follow**
 - **Have a standard reporting format, include:**
 - **Names and addresses, if possible**
 - **Descriptions**
 - **Witnesses**
 - **Dates, times, details of incident**
 - **Incident reports should be completed immediately by all employees involved**
 - **Document every refusal of service**

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Best Practices – Written Policies

- ▶ **Have a written policy about when local law enforcement is to be contacted when underage minors attempt to purchase age-restricted products**
 - **Check with your local law enforcement**
 - **Find out what they want you to do**
 - **Build a relationship with your local law enforcement department**

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Best Practices – Management Duties

- ▶ Management should make sure all required tobacco signs are posted
- ▶ Managers/Owners should observe clerks handling identification checks
- ▶ Management should conduct in-house compliance checks

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Best Practices – Management Duties

- ▶ Managers/owners should include compliance observations in performance reviews
- ▶ Management should provide written consequences for clerks that sell to minors that the clerk signs for at hire
- ▶ Management should enforce all written policies

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Michigan Contact & Resources

Michigan Department of Community Health
Bureau of Substance Abuse and Addiction Services
Prevention Section

Lewis Cass Building
320 S. Walnut Street
Lansing, Michigan 48913
Telephone: 517-335-0174
Email: mdch-bsaas@michigan.gov

http://www.michigan.gov/mdch/0,1607,7-132-2941_4871_29888-150144--,00.html