

# Keeping Tobacco Away from Youth:

## Do Your Part

### *A Guide for Tobacco Retailers*



**Michigan Department of Health and Human Services  
Behavioral and Physical Health and Aging Services Administration  
Substance Use, Gambling and Epidemiology Section**

## A Message from the Director

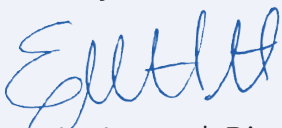
Tobacco use remains the number one preventable cause of death and disease in the United States and Michigan and 88% of adult smokers start smoking before they are 18 years old. Cigarettes and most e-cigarettes contain nicotine, which causes addiction and may harm brain development. The earlier a person starts using tobacco products, the harder it is to quit. For these reasons, the Michigan Department of Health and Human Services (MDHHS) is focusing its attention on the prevention of tobacco, vapor and alternative nicotine product sales to individuals under the age of 21.

On July 21, 2022, Governor Whitmer signed a legislative package to raise the state age to purchase tobacco products, vapor product, and alternative nicotine products sales from 18 to 21. This legislative package amended the Michigan Youth Tobacco Act (YTA) and brought Michigan in line with Federal Tobacco 21 legislation signed in December 2019 by President Trump.

In an effort to help tobacco retailers comply with the YTA, MDHHS is providing A Guide for Tobacco Retailers. In addition, YTA signs are available in English, Spanish and Arabic and can be downloaded at the MDHHS Clearinghouse Website at [healthymichigan.com](http://healthymichigan.com). Michigan law requires the YTA warning sign be displayed near each point of sale as specified by the Youth Tobacco Act.

You play a vital role in keeping tobacco products, vapor products and alternative nicotine products out of the hands of individuals under the age of 21. Thank you for doing your part!

Sincerely,



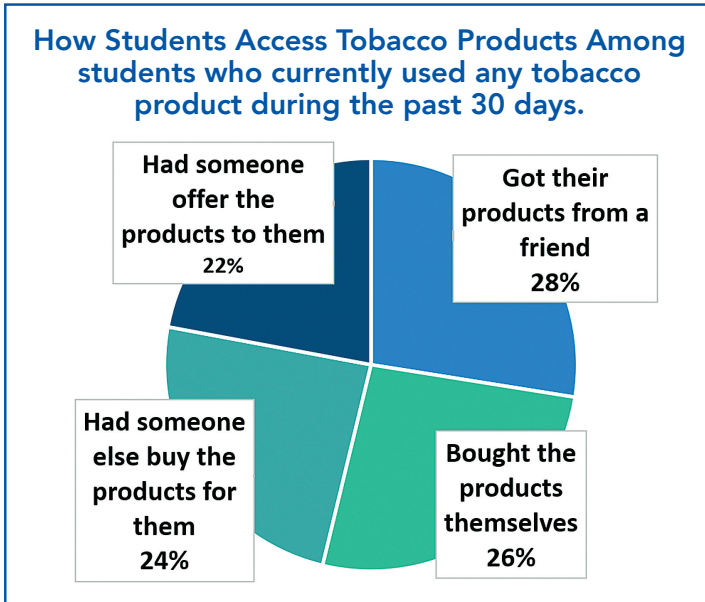
Elizabeth Hertel, Director  
Michigan Department of Health and Human Services

# Contents

Did You Know? .....	2
Federal Law .....	2
State Law: Youth Tobacco Act.....	3
What is the state doing?.....	3
Non-Synar Inspections .....	3
Synar Survey Inspections .....	3
Vendor Education .....	3
Food and Drug Administration (FDA) Inspection .....	3
Youth Tobacco Act Signs – Required by Law.....	4
Best Practices.....	4
Manager’s Policy.....	4
Age Verification .....	5
Required Legal Compliance .....	5
Retailer Training.....	6
Refusing a Tobacco Sale.....	6

## Did You Know?

- Among youth who continue smoking, 1 out of 3 will die prematurely from smoking.
- Each year, approximately 480,000 Americans die from tobacco-related illnesses.



## Federal Law

In December 2019, President Trump signed Tobacco 21 into law at the federal level, raising the minimum age of sale of tobacco products, including cigarettes, cigars and e-cigarettes, from 18 to 21 years.

## State Law

### Michigan Youth Tobacco Act

- In July 2022, Michigan raised the state age to purchase tobacco products, vapor product, alternative nicotine products from 18 to 21.
- A person in violation of selling, giving, or furnishing tobacco products, vapor products or alternative nicotine products is in violation of the law and risks a misdemeanor charge that is punishable as follows: up to \$100 for the first offense, up to \$500 for the second offense, and up to \$2,500 for third and subsequent offenses.
- Since Michigan updated the YTA, state and local law enforcement can enforce the minimum legal sale age of 21.

	State Law	Federal Law
Law	Michigan Youth Tobacco Act	Federal Tobacco 21
Age to Purchase Tobacco	21	21
Sell to Someone Under 21	Violation of State Law ( <b>CLERK</b> will receive fine)	Violation of Federal Law ( <b>OWNER</b> will receive fine)

## What is the state doing?

### Compliance Checks and Vendor Education

#### Non-Synar Inspections

- Non-Synar tobacco compliance checks conducted with law enforcement or civilians and are determined regionally.

#### Synar Survey Inspections

- Conduct annual, random, unannounced inspections to measure Michigan's progress in reducing youth retail access to tobacco products, vapor products and alternative nicotine products.
- States are required to have a retailer violation rate (the percentage of retailers that sell tobacco, vapor or alternative nicotine products to individuals under the age of 21) of 20 percent or less or be penalized by up to 10 percent of its Substance Abuse Prevention and Treatment (SABG) Block Grant funds. In Michigan's case this could be as much as \$5.6 million.

#### Vendor Education

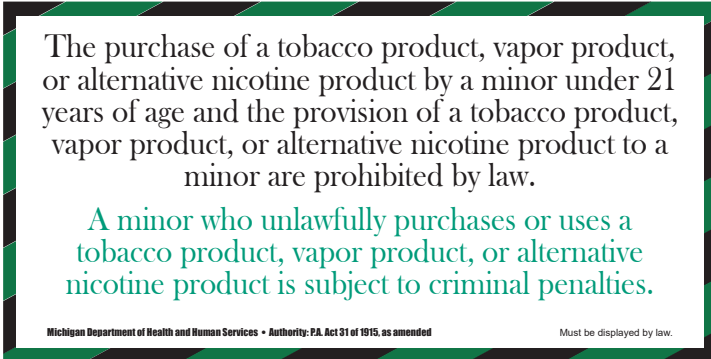
- Retailers across the state of Michigan are provided with training and educational materials to help prevent the sale of tobacco, vapor and alternative nicotine products to individuals under the age of 21.

#### Food and Drug Administration (FDA) Inspection

- The federal Family Smoking Prevention and Tobacco Control Act (TCA) gives the U.S. Food and Drug Administration (FDA) authority to regulate the manufacture, distribution, and marketing of tobacco products. The TCA puts in place specific restrictions on marketing and selling tobacco products to children and monitors compliance with the ban on sales to minors under the age of 21 through retailer inspections.
- FDA "This is Our Watch" materials: <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/our-watch>

## Youth Tobacco Act Signs – Required By Law

- Michigan Law Requires that Michigan Youth Tobacco Act sign be displayed near each point of sale. If the sign is more than 6 feet from the point of sale, the 5.5-inch by 8.5-inch sign must be used. If the sign is 6 feet or less from the point of sale, the 2-inch by 4-inch sign must be used.
- YTA signs and complimentary birthdate signs are available in English, Spanish and Arabic and can be downloaded at the MDHHS Clearinghouse Website: [www.healthymichigan.com](http://www.healthymichigan.com) (click "Tobacco").



## Best Practices

### Manager's Policy

#### Retail managers should:

- Have and enforce all written policies on what types of identification is acceptable.
- Provide written protocol for staff to follow when refusing identification or refusing sale.
- Establish a reporting process for employees to follow.
- Ask individuals to leave their establishment, if needed.
- Management should make sure all required tobacco signs are posted.
- Managers/owners should observe clerks handling identification checks.
- Managers/owners should include compliance observations in performance reviews.
- Management should conduct in-house compliance checks.
- Management should provide written consequences for clerks that sell to individuals under the age of 21 that the clerk signs for at hire.

## Retail establishments should not:

- Keep or destroy an individual's ID.
- Threaten an adult chaperone or underage inspector conducting compliance checks in the retail establishment.
- Hold adult chaperones or underage inspectors completing compliance checks in the retail establishment against their will.
- Keep an individual under the age of 21 attempting to purchase tobacco, vaping or alternative nicotine in the retail establishment against their will.

## Age Verification

If the individual appears to be less than 27 years of age, examining a government-issued photographic ID that establishes that the individual is at least 21 years of age is required. Follow your store policy regarding ID age verification (ex. check all individuals regardless of age etc.).

If an individual is under 21 or does not have an ID: do not sell tobacco, vapor or alternative nicotine products to them.

### Identification

Must be government issued, contain a picture, and a birthdate

State Driver's License

State Identification Card

Military ID

### Verify the Identification

Hold it in YOUR hand

Examine the picture and information

If it is a vertical license – do not sell

Ask questions (e.g., ask to verify birth date)

## Required Legal Compliance

A person in violation of selling, giving, or furnishing tobacco products, vapor products or alternative nicotine products is in violation of a misdemeanor and is punishable as follows: up to \$100 for the first offense, up to \$500 for the second offense, and up to \$2,500 for third and subsequent offenses. Court costs and attorney fees may also be required. **According to Michigan law, penalties apply to the seller not the owner.**

## Training

- Retailer Education PowerPoint is available on the MDHHS Youth Access to Tobacco Webpage at [www.michigan.gov/synar](http://www.michigan.gov/synar).
- Prior to selling tobacco, employees should review tobacco policy and procedures with management. Employees should sign a statement that they have read and understand the policy.

## Refusing a Tobacco Sale

- Politely tell the customer you cannot sell tobacco products, vapor products and alternative nicotine products to individuals under the age of 21.
- Try to use the following statements when refusing a sale:
  - ◆ "I'm sorry, I can't sell to you. It's against the law."
  - ◆ "I can be fined and even lose my job."
  - ◆ "It's my company policy."
  - ◆ "I could be fired."
  - ◆ "Is there anything else I can get for you?"
  - ◆ "I'd be happy to hold this for you while you go get your ID."
- Other Tips:
  - ◆ Slowly move product away when offering to assist with something else.
  - ◆ Make it clear that you want the customer's business, but that you cannot violate the law or risk your employer's consequences.



The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.