

Maryland Tobacco Retailer Guide

4th Edition (December 2018)

Understanding
your role in
preventing
tobacco sales
to minors.

Responsible Retailers

**CHECK
I.D.**

We don't sell
tobacco to kids.

**It's not an inconvenience,
it's the law.**



MARYLAND
Department of Health

www.NoTobaccoSalesToMinors.com

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Overview

As a licensed tobacco retailer, you are uniquely positioned to act responsibly to help reduce and eliminate underage access to tobacco products in Maryland. Retailers are an important part of our communities, and, as such, must engage in responsible practices. Asking for photo ID **reduces cigarette sales** to underage youth. Tobacco retailers must be vigilant about **checking IDs** and **refusing to sell tobacco to minors**.

Responsible tobacco retailing isn't an inconvenience, it's the law.

To put it simply — selling, distributing or promoting tobacco products to anyone under 18 years of age is illegal.

Compliance checks are being conducted and enforced on a continuous basis to ensure retailers are following federal, state, and local laws that prohibit the sale of tobacco to minors. If you are found guilty of selling tobacco to minors, you may be **fined up to \$11,000*** and could even lose your license to sell tobacco.

This guidebook contains resources to assist retail owners and clerks with understanding and complying with tobacco retail sales laws designed to keep tobacco out of the hands of Maryland youth.

Maryland is serious about keeping our kids tobacco free. It's not a minor thing.

For a free online training and additional materials, visit www.NoTobaccoSalesToMinors.com.

*Penalties are subject to change. Visit www.NoTobaccoSalesToMinors.com for the most up-to-date information.

Tobacco products

It is against the law to sell any tobacco product to minors. This includes:

- Cigarettes
- Cigars, Cigarillos, Little Cigars, including flavored products
- Electronic Smoking Devices (ESDs) including E-cigarettes, E-hookah, E-cigars, Vape pens, JUUL®, etc.
- Smokeless Tobacco (Chew, Spit Tobacco, Dip, Snuff, etc.)
- Loose Tobacco (for pipes)
- “Loosies” — cigarettes sold as individuals or less than a pack of 20 cigarettes
- Tobacco Accessories such as rolling papers, hookahs, electronic cigarette component parts, or products used to refill an electronic cigarette

If you are unsure if a product is illegal to sell to youth — **DON'T SELL!** There are no laws that require you to sell a product; however, there are restrictions placed on what you can sell and to whom.

REMEMBER: No tobacco sales to minors. Period.

If you are unsure if a product is illegal to sell to youth, don't sell!



Tobacco sales laws and penalties



It is against the law to sell ANY tobacco product or tobacco paraphernalia to anyone under the age of 18. Compliance checks are being conducted and enforced in Maryland.

Before selling tobacco, you are required by law to:

- 1 Ask for photo ID from everyone under 27
- 2 Check to make sure all customers are at least 18
- 3 Refuse to sell tobacco to everyone under 18

Laws are in place to ensure retailers are acting responsibly by not selling or distributing tobacco products to minors. Compliance checks are conducted at the federal, state, and local levels. If found guilty of selling tobacco to minors, retailers and clerks (or both) face stiff penalties.* Follow all tobacco retailer laws and you will remain compliant, no matter who checks your store.

- Penalties are determined by the type of compliance check conducted — federal, state, or local
- Federal fines alone can be up to \$11,000*
- License suspensions or revocations may also occur

Youth Possession

Anyone under 18 years of age is prohibited by law from using or possessing tobacco products, unless it's part of their job (such as working as a cashier in a store selling tobacco products).

Licensing Requirements

- In order to sell or distribute cigarettes in Maryland to those 18 and older, you must maintain a license from both the State Comptroller and county clerk
- If you sell cigarettes AND other tobacco products (cigars, spit tobacco, etc.) this license will be valid for all tobacco products
- If you sell other tobacco products and do NOT sell cigarettes, you are required to maintain a license for other tobacco products
- If you sell Electronic Smoking Devices (ESDs) and do NOT sell cigarettes or other tobacco products, you are required to maintain a license for ESDs. **All ESD retailers must have a license as of Oct. 1, 2017**

Licenses expire on April 30 and must be renewed annually. Selling tobacco without the proper license is a misdemeanor subject to fines, imprisonment, or both.

See the federal, state, and local law overviews at www.NoTobaccoSalesToMinors.com.

*Penalties are subject to change. Visit www.NoTobaccoSalesToMinors.com for the most up-to-date information.

Valid forms of identification

As a tobacco retailer, you are required by law to **check the identification of everyone under 27 years old** before selling them tobacco products. You must refuse to sell tobacco to everyone who is under 18.

Accept only a government-issued **photo ID** as proof of age for tobacco product sales. The ID should include a photo of the person, a physical description, and a date of birth showing that the person is at least 18 years old. To be valid, the ID must be current and not expired.

Any of the following forms of identification are considered acceptable:

- State-Issued Driver's License
- State-Issued ID Card (issued to non-drivers)
- Passport
- Immigration Card
- Military ID Card

UNDER 21 DRIVER'S LICENSE (2003)



UNDER 21 DRIVER'S LICENSE (2016)



OVER 21 DRIVER'S LICENSE (2003)



OVER 21 DRIVER'S LICENSE (2016)



- A Birthdate
- B Expiration Date
- C Height
- D Weight
- E Ghost/Laser Image
- F Under 18 Until
- G Under 21 Until
- H Red Box for Under 21 (2003 version only)
- I Tactile (Raised) Text (2016 version only)

The MVA began issuing new secure licenses in July 2016. All the licenses pictured are currently in circulation and are valid until they expire.

Please visit www.NoTobaccoSalesToMinors.com for images of other valid IDs.

How to check an ID



It only takes a few moments to make sure an ID is valid if you follow these simple steps:

- ✓ **Check first.** Always ask for and check ID **before** getting the tobacco product off of the shelf. Do not give or sell the product to the customer until you verify they are at least 18 years old.
- ✓ **Habit.** Follow the same steps each time you check an ID. This will prevent you from getting sidetracked by conversation.
- ✓ **Remove the ID.** Always have the customer remove the ID card from their wallet.
- ✓ **Check license expiration.** If the expiration date has passed, the card is not valid.
- ✓ **Over 18.** The ID must show that the person is over 18 years old. Compare the birthdate on the license or ID to a calendar to determine when the customer can legally purchase tobacco.
- ✓ **Vertical.** In Maryland you can tell at a glance if the customer is under 21 because the Maryland license will be **vertical**. The person's 18th and 21st birthdays are also on the license, denoted as "Under 18 Until [date]" and "Under 21 Until [date]," respectively. Driver's licenses from other states may not have these features — make sure you look closely at the birthdate.
- ✓ **Photo plus physical stats.** Make sure the person looks like the photo on the ID. Check the height and weight to make sure there is a reasonable match.
- ✓ **Doubts? Ask for another.** If you have any doubts about the ID, ask for a second one. If the customer can't provide a second ID, refuse the sale.

REMEMBER:

Always check the dates on the ID to verify a customer is at least 18. Other ID: Add 20 to the year they were born and subtract 2.

Check first.

Always ask for and check ID before getting the tobacco product off the shelf.

Spotting a fake ID



Here are some things to look for:

- Date tampering.** The most altered areas on an ID include the birthdate, expiration date, and "Under 18 Until" or "Under 21 Until" [date]. Make sure these dates have not been changed or altered in any way.
- Look for imperfections.** Feel for raised or bumpy surfaces. Look for erasure marks, incorrect thickness, peeling lamination, smudged print, fuzzy numbers, and letters or numbers that have different fonts — especially the birthdate and expiration date.
- Glue lines or pin holes.** Examine the ID under bright light to reveal glue lines or pin holes where bleach may have been injected.
- Numbers match.** Check the front and back to make sure all ID numbers match.
- Check watermarks.** Examine the ID to make sure any required watermarks or state seals are present.
- Numbers out of line.** Turn the card 90 degrees to make sure important numbers are not out of line.
- Other cards.** If the young person has borrowed a driver's license where they look similar to the owner of the ID, they probably won't have multiple cards with the same name as the ID. **Ask to see a credit card or other form of ID.**
- Photo plus physical stats.** Make sure the person looks like the photo on the ID. Check the height and weight to make sure there's a reasonable match.

REMEMBER: When in doubt, don't make the sale. You are NOT obligated to sell any tobacco product.

Minors aren't always as easy to spot as this!



Calculating their age



It is illegal to sell tobacco products to anyone under the age of 18. But once you have an ID in your hand, how do you verify age?

If you are presented with a Maryland driver's license, as shown on previous pages, the math is already done for you. Once you have verified that the ID is valid and belongs to the customer, look at the direction of the license; if it is vertical, the customer is under 21. There will be an "Under 18 Until" [date] on the license. Compare the "Under 18 Until" [date] with the current date to determine if a sale is allowed.

Example 1 — Maryland ID

Birthdate on ID: 08-11-2001
Under 18 Until: 08-11-2019
Today's date is: 10-20-2018

Comparing today's date (10-20-2018) to the "Under 18 Until" date (08-11-2019), you see that selling tobacco to this customer is illegal as the customer will not be 18 until August 11, 2019. You must refuse the sale.

Example 2 — Other ID

A customer hands you another form of ID or a driver's license that is not from Maryland. Do not assume a horizontal license from another state indicates the customer is over 21. Use the following method to calculate their age.

Add 20 to the year they were born, then subtract two.
Birthdate on ID: 08-11-2001
Today's date is: 10-20-2018

Birth year on ID=	2001	2001
Add 20=	2021	+20
Subtract 2=	2019	-2
		2019

The customer will not be 18 until Aug. 11, 2019. Comparing today's date (10-20-2018) to the date the customer turns 18 (08-11-2019), you see that selling tobacco to this customer is illegal. You must refuse the sale.

REMEMBER: Add 20...subtract 2.



How to refuse a tobacco sale

When you refuse to sell a tobacco product to a minor, the law is on your side. Be polite but firm.

- ✓ **Check ID first.** Before you pull the tobacco product from the shelf, ask to see their ID first. This way the tobacco is out of the customer's reach and they can't throw money down, grab the product and leave the store.
- ✓ **Don't get sidetracked.** Be consistent and use the same technique to check each ID. Don't lose your focus by talking to customers while checking ID.
- ✓ **Be alert.** Customers might wait until a busy part of the day when clerks are more distracted. Continue to be consistent when checking IDs.
- ✓ **Be firm.** Once you've determined a minor is trying to purchase tobacco products, address the customer with a firm yet polite response.
- ✓ **Explain why.** Tell the person why you can't sell the tobacco product.



- ✓ **No buddies.** You should not sell tobacco products to any customer if it appears to be for a minor who is with him/her or is waiting outside.
- ✓ **No purchases for parents.** It's illegal for a person under 18 to buy tobacco products for a parent, even if they have a note from that parent.
- ✓ **Resist customer pressure.** The customer might try to make you feel bad about not selling to them or provide excuses and reasons as to why you should sell them the product. Stand your ground and don't waiver — you are not required to sell any tobacco products, especially if you have any doubts.
- ✓ **Keep going.** Continue checking out their other items.
- ✓ **Next customer.** If they have nothing else to purchase, shift your attention to the next customer in line.
- ✓ **Get help.** Don't be afraid to call your supervisor or manager if it becomes necessary.

Valid Reasons.

The tobacco sale should be declined if:

- The customer has no photo ID.
- The ID photo does not match the customer.
- The ID contains no date of birth.
- The ID doesn't appear to be authentic.
- The ID shows the customer is underage.
- The ID has expired.

WHAT TO SAY:

"I'm sorry, I must check a photo ID of anyone under 27 before selling tobacco. It's nothing personal — it's the law."

"I'm sorry, I can't sell tobacco products to anyone under 18. It's nothing personal — it's the law. I could lose my job or be fined a lot of money."

Test your knowledge!



Now that you have reviewed information on how to prevent tobacco sales to minors, please take some time to complete the following brief quiz to show how much you know.

1 When can you sell tobacco to someone under 18?

- A. Never. It is illegal to sell tobacco to minors.
- B. If the tobacco is for their parent.
- C. If the minor is with someone that is over 18.
- D. If they are a friend or family member.

2 Before selling any tobacco product, you are required by law to check the photo ID of everyone under:

- A. 18 years old
- B. 20 years old
- C. 21 years old
- D. 27 years old

3 If you are found guilty of selling any tobacco product to minors, federal fines can be as high as:

- A. \$1,000
- B. \$3,000
- C. \$11,000
- D. \$15,000

4 A valid ID:

- A. Includes a photo of the person.
- B. Includes a date of birth showing that the person is at least 18 years old.
- C. Is current and not expired.
- D. All of the above.

5 If the customer can't provide a valid ID or you don't think it's authentic, you should:

- A. Refuse the sale. You are not obligated to sell any tobacco product.
- B. Sell them the tobacco product only if they look over 18.
- C. Sell them the tobacco product only if they bribe you.
- D. Sell them the tobacco product only if they say they are over 18.

6 Local law enforcement and public health agencies are conducting _____ throughout the year to ensure retailers do not sell tobacco to kids.

- A. Education
- B. Compliance checks
- C. Both A and B
- D. None of the above.

7 In Maryland, a vertical driver's license means:

- A. The customer is under 18. You cannot sell tobacco to them.
- B. The customer is under 21. You must check the "Under 18 Until" [date] to verify they are at least 18 before selling tobacco to them.
- C. The customer is over 21. After verifying the ID belongs to the customer you may sell tobacco to them.
- D. None of the above.

8 Signs of ID tampering include:

- A. Plastic peeling
- B. Smudges
- C. Misaligned numbers
- D. All of the above

9 Which of the following is not an acceptable form of ID?

- A. Immigration Card
- B. School-Issued ID with no birthdate
- C. State-Issued Driver's License
- D. State-Issued ID Card

10 It is illegal to sell or give ____ to minors (anyone under 18).

- A. Cigarettes
- B. Smokeless Tobacco
- C. E-cigarettes
- D. All of the above

Answers: 1. A 2. D 3. C 4. D 5. A 6. C 7. B 8. D 9. B 10. D

Resources

i. **Campaign Materials**

- www.NoTobaccoSalesToMinors.com

ii. **Comptroller of Maryland**

- www.comp.state.md.us

iii. **FDA**

- www.fda.gov/TobaccoProducts/default.htm
- www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.html

iv. **Maryland Department of Health Behavioral Health Administration**

- <https://bha.health.maryland.gov>

v. **Maryland Department of Health Center for Tobacco Prevention and Control**

- https://phpa.health.maryland.gov/ohpetup/Pages/tob_home.aspx

vi. **Maryland Synar Reports (State tobacco retailer compliance checks)**

- <https://bha.health.maryland.gov/Pages/Maryland-Synar-Reports.aspx>

vii. **Office of the Maryland Attorney General**

- www.marylandattorneygeneral.gov/Pages/Tobacco

viii. **University of Maryland Legal Resource Center for Public Health Policy**

- www.law.umaryland.edu/programs/publichealth

Online training available at
www.NoTobaccoSalesToMinors.com.

It's the law.



No Cigars



No Cigarettes



No Vapes



No Spit Tobacco

Retailers must ask for photo ID from everyone under 27.

Under 18? NO TOBACCO.



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