

Tips for Retailers

How to Comply with California Law and Avoid Fines & Penalties

1. Educate yourself and your employees about the laws and penalties

- Develop and follow store policies
- Train and monitor your clerks
- Post the required STAKE Act age-of-sale warning signs
- Obtain and display your tobacco license

2. Develop Store Policies

- Develop a written company policy that employees must read and sign, which should include requiring employees to:
- Ask for valid government-issued photo ID and to check the age of anyone who looks younger than age 27
- Regularly review local, state, and federal laws regarding tobacco sales, including newer regulations on minimum sales age and electronic cigarettes

3. Train Your Clerks/Employees

- Ask for ID from anyone who looks younger than age 27
- Accept only valid government-issued IDs
- CHECK the age on the ID to confirm the customer is age 21 or over (active duty military members with a valid U.S. Armed Forces ID must be 18 years or older)
- Check for expiration dates on various IDs (other state IDs or international passports)
- Check if the ID picture matches the person
- Train employees how to refuse a sale
- Make sure employees know about and can identify any electronic cigarettes/vapes/e-liquids that your store sells

4. Remind Your Employees to Follow Store Policies

- Emphasize that checking IDs is necessary — no matter how many people are in line
- Checking ID for cigarettes is the same as for alcohol sales, age 21
- Remind your employees that state and local enforcement agencies do tobacco compliance checks
- Caution employees that store owners AND clerks can be cited, which may result in a fine and criminal record

5. Use Reminders and Other Aids

- Post Age-of-Sale Warning Signs
- Place calendars and other age-of-sale reminders by all registers to assist clerks in calculating age when needed
- Use register screen pop-ups as reminders to check age
- Install electronic scanning devices or other age verification devices, and teach employees how to use them and NOT to turn them off!

6. Monitor Your Clerks

- Observe your clerks and give prompt feedback on what they are doing right and what they are doing wrong
- Do periodic secret shopper programs to check on your store's compliance
- Follow through with rewards and corrections

Preventing sales to persons under the age of 21 depends on commitment and action by YOU and YOUR EMPLOYEES.

It is your responsibility to review and comply with local, state, and federal laws regarding tobacco sales.



Tips for Retailers

How to Comply with California Law and Avoid Fines & Penalties

7. Tips on Training

Identification

Age Verification

The easiest way to check a person's age is to ask for and check their California driver license, California identification card, or U.S. Armed Forces ID, if applicable.

Fake ID's

Look for these clues:

- Has the ID expired?
- Does the photo match the person?
- Does the ID look altered?
- IDs with holes, glue lines, bumpy surfaces, or other signs of tampering should not be accepted.

IMPORTANT: If you are not sure the ID is valid, refuse the sale.

Refusing a Sale

What to Say

- "I'm sorry. It's against the law."
- "I'm sorry. I can't sell tobacco products without a picture ID."
- "I'm sorry. It's store policy to check IDs."
- "I could be fined if I break the law."

Refusing a Sale to a Friend Under 21 Years of Age

- It's especially hard to tell a friend who is under 21 that you aren't able to sell tobacco to them, but it's important
- Here is what to do:
Using a friendly tone, tell your friend, "I'm sorry. It's against the law. I could be fined and even lose my job if I sell to you."

What to Do

- After politely refusing the sale, remain calm
- If a customer insists or becomes argumentative, contact your supervisor
- If the customer takes the product, leaves money, and runs away, DO NOT RING UP THE SALE. Treat it as a theft and report the incident.

IMPORTANT: Include time for clerks to practice calculating the age and ways to refuse a sale.



Points to Remember

- You are responsible for making sure your employees follow the laws
- Tobacco laws are being enforced and an illegal sale to a person under 21 years old will cost you!
- Make sure your employees are trained and monitored to help avoid illegal sales and fines
- Make sure your employees are aware of new electronic cigarette policies