Tips for Retailers
How to Comply with California Law and Avoid Fines & Penalties

Points to Remember
- Preventing sales to persons under the age of 21 depends on commitment and action by YOU and YOUR EMPLOYEES.
- 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.
- It is your responsibility to review and comply with local, state, and federal laws regarding tobacco sales.

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
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3. **Train Your 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
   - 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 Employees**
   - 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
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.”

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

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.”

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.

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 government issued identification.

Tips for Retailers

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Under 21

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

21 or Over

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

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