



## **Tobacco Retailer Resource Kit**

It is the responsibility of the retailer to ensure that they and their staff know and comply with the law.

This information has been supplied to help make that job easier.

“Developed by and used with permission from  
Tobacco Control Program  
Health Protection  
Fraser Health”

**Retailers play an important role in preventing youth access to tobacco!**

## Table of Contents

Why are there laws restricting tobacco sales? .....	3
What is the law regarding tobacco sales? .....	4
What is the law regarding retail display and promotion of tobacco and related products? .....	5
What is the law regarding required signage? .....	7
What is the law regarding product price signs? .....	8
Enforcement and Penalties for Non-Compliance .....	9
What can happen when the law is broken? .....	10
Tips to prevent tobacco sales to minors .....	11
Identification Samples .....	13
Tools for the Trainer .....	17
Staff Training Checklist .....	20
Quiz – Preventing Tobacco Sales to Minors .....	21
Answers to Quiz .....	23
Letter of Understanding .....	25
Contact Information: .....	26
Local Tobacco Enforcement Office .....	26

**Kids deserve a chance to grow up before making a decision about smoking.**

## Why are there laws restricting tobacco sales?

*It's about ensuring the health & safety of our youth...*

**Because.....**

- Kids form addictions easier than adults because their bodies are still growing.
- Some kids can become addicted after only a few cigarettes.
- Kids who start smoking before age 15 double their risk of early death.
- Almost 83% of smokers start smoking before they turn 19. The earlier they start, the harder it is to quit.
- We need to protect kids from an addiction that will harm them for their whole life.
- Tobacco use kills over 6,000 people in BC every year.



***Do your part to end the spread of  
Tobacco Addiction!***

## What is the law regarding tobacco sales?

In British Columbia, the use, sale and display of tobacco products are regulated by the *Tobacco Control Act* and the *Tobacco Control Regulation* [www.health.gov.bc.ca/tobacco](http://www.health.gov.bc.ca/tobacco).

The federal *Tobacco Act* [www.gosmokefree.ca](http://www.gosmokefree.ca) governs the manufacture, sale, labelling and promotion of tobacco products in BC and across Canada.

**As a tobacco retailer, it is your responsibility to stay in compliance with tobacco laws.**

It is illegal to give or sell tobacco to a person under 19 years of age (minors).

- “Tobacco” means tobacco leaves and anything made from tobacco in any form for any use.

It is also illegal to sell:

- Tobacco from open packages/ no single cigarette sales.
- Cigarettes in packages of less than 20.
- Cigarette tubes, papers and filters to anyone under 18 (federal *Tobacco Act*).



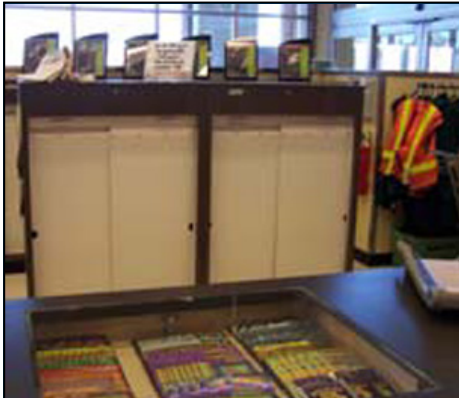
## What is the law regarding retail display and promotion of tobacco and related products?

- Tobacco Products and Promotional items must **NOT** be visible from outside.
- Tobacco Products and Promotional items must **NOT** be visible inside where minors have access.
- The requirement to keep tobacco out of sight continues even when re-stocking shelves. Re-stocking tobacco should take place when minors are not likely to be in the store.



Retailers have used some of the following methods to ensure tobacco is not visible to minors.

*(Note: Only the retailer can access tobacco stock)*



*Cupboard doors that are closed after every sale.*



*A curtain that remains closed between sales.*



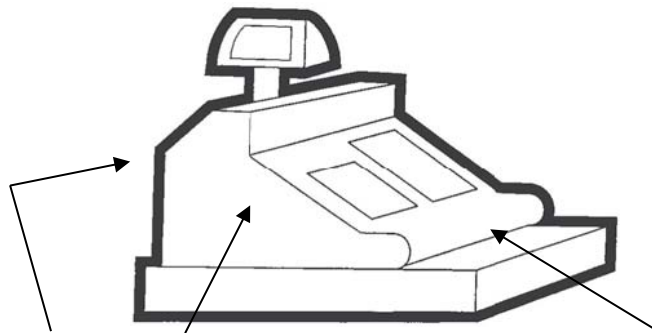
*Drawers behind the counter kept closed between sales.*

## What is the law regarding required signage?

Provincial law requires that the following point of sale signs be posted where tobacco is sold.

These signs are produced by the Ministry of Health and **MUST** be posted as described:

Two decals for the cash register or drawer.  
One facing the customer and one facing the cashier.



A Health Warning sign displayed so customers can clearly see it when they purchase tobacco. This is one example.



These signs must be clearly visible and not covered by other signs or product.

- It is the retailer's responsibility to ensure these signs are in place.
- If you require additional signs, please contact your local Health Authority Office (*see page 25*)





## What is the law regarding product price signs?

- The retailer may post a maximum of three signs per store that describe the tobacco products and prices, however, only one sign is permitted at the point of sale (cash register, till).
- The signs may be visible inside or outside the store.
- The signs must be white and must not be bigger than 968 centimetres square (approximately 12" x 12").
- The lettering must be black and not more than 5 cm high.
- The sign must not have any graphics, design or any symbol except the "\$" sign.
- The sign must not have any reference to a tobacco brand or manufacturer.



## Enforcement and Penalties for Non-Compliance

1. It is the responsibility of all retail managers/owners to ensure their staff are trained to sell tobacco in compliance with the law.
2. Enforcement officers, employed by the provincial health authorities, enforce the provincial *Tobacco Control Act (TCA)* and *Tobacco Control Regulation (TCR)*.
3. Enforcement officers conduct routine inspections, provide education and monitor compliance with the signage and display/promotion provision of the *TCA* and *TCR*.
4. Tobacco retail outlets are also subject to unannounced checks for compliance with other provisions of the *TCA* and *TCR*, such as checks to ensure tobacco is not being sold to a minor.
5. Penalties for breaking the law may apply to both managers/owners and clerks.

### Penalties for breaking the law may apply to both manager/owners and clerks

**Sell Tobacco to a  
minor =  
\$575.00 Fine**

**Other Penalties may apply**



## What can happen when the law is broken?

### Prescribed Penalties for Violations of the Tobacco Control Act and Regulation

Ticketed Provision	Contravention	Fine Amount
TCA Sec 2(2)	Sell tobacco to a person under 19.	\$ 575
TCA Sec 2(3)	Sell cigarettes from an open package.	\$ 575
TCA Sec 2(4)	Sell tobacco where prohibition order applies.	\$ 575
TCA Sec 2.1(1)	Sell tobacco in a prohibited place.	\$ 575
TCA Sec 2.4(a)	Display products in a prohibited manner.	\$ 575
TCA Sec 2.4(b)	Promote tobacco in prohibited manner.	\$ 575
TCA Sec 10.1(a)	Fail to display prohibition order sign.	\$ 575
TCA Sec 10.1(b)	Fail to display prohibition sign in accordance with requirements.	\$ 575
TCR Sec 4	Sell cigarettes in packages containing fewer than 20.	\$ 575
TCR Sec 5(1)	Fail to display warning.	\$ 345
TCR Sec (2)	Fail to affix warning.	\$ 345

In addition, tobacco control legislation provides for administrative penalties of up to a 180 day sales prohibition, and for fines up to \$5,000.

Federal penalties for a first offence can be as much as \$3,000 and increase for subsequent offences.



### Suspension Sign

When the retailer has been suspended from selling tobacco, they are required to post a suspension sign for the period of sales suspension.

## Tips to prevent tobacco sales to minors

It isn't easy to guess someone's age  
**Be Sure...Check ID**

- **When asking for ID, be polite and confident.**
- **If the customer is resistant, you could say:**

*"I am required to ask for ID"*

*"The fine for selling to minors is \$575!"*

*"I could lose my job."*

And point to this sign  
on the cash register



- **If the customer refuses to show ID, make a polite but firm statement refusing the sale.**



Remember you have the right to say no to anyone who may be asking you to break the law!

## When checking ID, always look at the ID carefully!

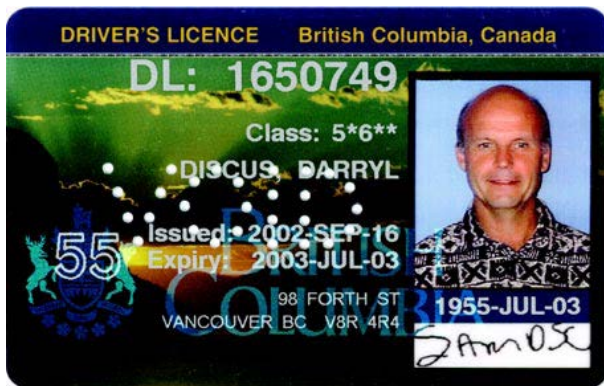
- Is it acceptable ID? The law allows only these types of ID:
  - Driver's Licence with photo
  - Passport
  - Other Government Issued Photo ID (e.g., BCID)  
(School ID is not OK)
  
- Is the ID valid?
  - Does the photo match the customer?
  - Is the height, weight, eye colour and age right?
  - Has the ID expired?
  - Does the ID look like it has been tampered with or altered?
  
- Is the customer old enough?
  - When checking ID, look at the year, month and day to make sure they are at least 19 years of age. You may wish to use a calendar or other kind of date reminder to help you, like the one below.



Do not assume someone is of legal age because they show ID ...  
Check the date of birth to be sure!



## Identification Samples



### Old License & ID Card

On the old BC license and ID cards, the date of birth is shown under the photo.

HERE

Use the "Age Prompt Decal" to decide what year is correct.



### NEW LICENSE & ID CARD

Date of Birth is:

HERE

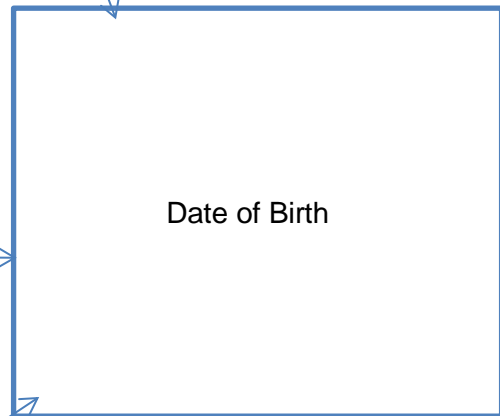
If the holder is a minor when issued, the date on which the holder turns 19 is shown under their photo.

HERE





## Samples of Certificate of Indian Status Cards





## When to refuse the sale

- When they don't have ID.
- When the ID is not valid.
- When they are not 19.

Make a firm but polite statement refusing the sale.

*There is no debate. Without seeing valid ID you are taking a chance that could cost you a fine or other penalty.*

**Before** you get into a situation where you need help refusing a sale:

- Know what the store's policy is for dealing with abusive or threatening customers.
- Know what to do and how to get help!

No ID  
Not valid ID  
Not 19  
**NO SALE!**



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## Tools for the Trainer .....

### Supporting Staff

Retailers can support their staff by doing the following:

- Provide time for staff training about how to sell tobacco in compliance with the law, and about the restrictions on tobacco display and advertising.
- Post the age prompt stickers on the cash register where clerks can see them to quickly determine whether a customer is 19.
- Post signage that clearly indicates to customers that the store policy requires the clerk to ask for ID whenever there is any doubt about the customer's age.
- Provide Customer Information Cards that explain store policy and the consequences of selling to someone less than 19 years of age. Download from Health Canada: <http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/rtr-bc-dtr-cb/index-eng.php#sec3b6>

#### Customer Information – British Columbia

Please accept our apologies if we've offended you. According to store policy we must ask for ID from anyone purchasing tobacco who appears 25 years of age or under. We can be fined or lose our licence for selling to someone under 19 years of age. My manager would be pleased to discuss this with you further or you may call your Provincial Tobacco Enforcement Officer.

**Health Canada – Tobacco Control Program 604-666-3350**

Vancouver Island Health Authority 250-360-1450  
Vancouver Coastal Health Authority 604-675-3800  
Fraser Health Authority 604-476-7000  
Interior Health Authority 250-862-4200  
Northern Health Authority 250-565-2649

- Pair up experienced staff with new staff until you are satisfied that the new staff is clear and confident about how to comply with the law.

New staff should not be left alone at the cash register until you are satisfied they understand the law and they know how to comply.

- Have clear store policies about how to deal with difficult customers and for supporting staff in how they do that.
- Lead by example. Show the staff that you take this seriously.
- Managers should develop their own store policies and procedures to reinforce the importance of complying with the law.

Remember it's your responsibility to ensure your staff know and obey the law and to provide them with the support they need.



## Training Methods

How you train your staff is up to you, but here are some ideas for how you could go about it:

- Review the material provided in a special training session.
- Review the material provided in a one-on-one session with new staff as part of their orientation to the job.
- Provide this material to them to study and then test them later with the quiz provided.
- Add your own questions about your store policies on tobacco.
- Have staff participate in role play activities to practise requesting ID, checking ID, and refusing sales.
- Practice reading identification to determine age.
- Provide periodic reviews of training, checks and tests to help refresh this information with your staff.

Set your staff up for success by providing them with the training and support they need!

## Staff Training Checklist

The following issues have been reviewed with staff:

- Tobacco cannot be given or sold to persons under 19 years old.
- Why tobacco sales are prohibited to minors.
- When staff must check for ID.
- What is valid ID.
- How to check the birth date to ensure customer is 19 or older.
- How to ask for ID politely but firmly – point to signage for support.
- How to refuse a sale.
- Store policy for dealing with abusive or threatening customers.
- Keeping tobacco covered between sales and restocking.
- The signage and extra materials they can use to explain the law to customers.
- What are the consequences of selling tobacco to a minor.
- Other store policies and consequences for not following them.
- Staff have completed training and testing, and the manager has reviewed the results.

## Quiz

### Preventing Tobacco Sales to Minors

(For each question, check all that apply)

1. It is legal to sell cigarettes to anyone who is:

- At least 16                       19 or older  
 21 or older                       25 or older

2. Which products cannot be legally sold to minors:

- Cigarettes                       Cigarillos                       Lighters  
 Chewing tobacco                       Cigars

3. Which of the following are not acceptable ID?

- Passport                       School ID                       Driver's License  
 Canadian Armed Forces ID card                       Employer ID                       Canadian Permanent Resident document  
 Certificate of Canadian Citizenship card with photo  
 Provincial, Federal or Foreign Government issued ID with photo, date of birth and signature

4. It is legal to sell:

- a) Single cigarettes                       True                       False  
b) Open packages as long as they contain at least 20 cigarettes                       True                       False

5. It is legal to sell tobacco to someone who appears to be over 19.

- True                       False

6. The fine for selling tobacco to a minor is:

- \$20                       \$158                       \$288                       \$575

7. Employees can be fined for selling tobacco to a minor.

- True                       False

8. What is the maximum amount a retailer can be fined for selling tobacco to a minor?

- \$288                       \$575                       \$2,000                       \$5,000

9. How long can a retailer have their right to sell tobacco suspended for?

- Up to 60 days                       Up to 90 days                       Up to 180 days

10. Which of the following statements are true?

- Tobacco must never be visible from outside.  
 Tobacco must be covered between each and every sale.  
 Stocking tobacco shelves must take place when minors are least likely to be in the store.

11. Is it legal to sell tobacco to someone if they say they are over 19.

- True                       False

**Quiz Completed By:**

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date of Quiz: \_\_\_\_\_

**Quiz Reviewed By:** (SCORE \_\_\_\_/11)

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*(Any incorrect answers should be reviewed with staff)*

## Answers to Quiz





## Answers to Quiz

1. It is legal to sell cigarettes to anyone who is 19 or older.

2. It is illegal to sell the following to minors:

- Cigarettes
- Cigarillos
- Cigars
- Chewing tobacco

Some stores have a policy of not selling lighters to minors but it is not illegal to sell them. However, it is illegal to give away items like lighters or matches if they have promotional advertising for tobacco on them.

3. School ID and Employer ID are not acceptable.

Acceptable ID are:

- Passport
- Driver's license
- Canadian Armed Forces ID card
- Certificate of Canadian citizenship card with photo
- Canadian permanent resident document
- Provincial, Federal, or Foreign government issued ID with photo, date of birth and signature.
- Certificate of Indian Status cards

4. a) False – it is illegal to sell single cigarettes.

b) False – it is illegal to sell from open packages of cigarettes.

5. It is never easy to guess someone's age – Check valid photo identification to be sure.

6. The fine for selling tobacco to minors is \$575 when a ticket is issued.

7. True – employees can be fined \$575 for selling tobacco to a minor.

8. A court can penalize a retailer up to \$5000 for selling tobacco to a minor.

9. Retailers convicted of selling tobacco to minors can have their authorization to sell tobacco suspended for up to 180 days.

10. All True

11. False – it is up to you to determine their age. Check valid photo identification to be sure.

# SAMPLE

## Letter of Understanding Regarding Compliance with Store Policy on Tobacco Sales

Between:

\_\_\_\_\_ (retailer)

and

\_\_\_\_\_ (employee)

I have received training on \_\_\_\_\_ and understand and agree to follow this store's policy:

- We ask for ID for every customer who appears to be under \_\_\_\_\_ years of age for all tobacco sales.**
- We do not sell the following to customers under age 19 years: cigarettes, cigars, loose tobacco, chewing tobacco, snuff, papers, tubes, filters.**

\_\_\_\_\_ (insert additional store policy)

Signed:

\_\_\_\_\_ (retail owner / manager)

\_\_\_\_\_ (employee)

\_\_\_\_\_ Date

# Contact Information:

## Local Tobacco Enforcement Office

**South Island**

201 – 771 Vernon Avenue  
Victoria, BC  
V8X 5A7

250.360.1450

**Central Island**

29 – 1925 Bowen Road  
Nanaimo, BC  
V9S 1H1

250.755.6285

**North Island**

200 – 1100 Island Highway  
Campbell River, BC  
V9W 8C6

250.755.6285

### Island Health Tobacco Prevention & Control Website

<http://www.viha.ca/mho/tobacco/>

### Information for retailers of tobacco products

<http://www.health.gov.bc.ca/tobacco/>

### Retailer Signs and Support Materials

Local Health Authority

### Health Canada tobacco information

<http://www.hc-sc.gc.ca/hl-vs/tobac-tabac/index-eng.php>

### Want to Quit Smoking?

[www.quitnow.ca](http://www.quitnow.ca)

or call 1-877-455-2233 (translation in over 130 languages)