



# In-House Tobacco

## Training Booklet

2 0 1 6

- You must be 16 to sell tobacco products
- You must be 18 to purchase tobacco products
- You must be trained to sell tobacco products.
- You must follow the laws and regulations when selling tobacco products

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## Introduction

The Vermont Department of Liquor Control (DLC) is the only agency exclusively dedicated to the enforcement of liquor and tobacco laws and regulations in our state. The Liquor Control Board is responsible for adopting rules for the administration and enforcement of the laws relating to tobacco products. The Board is also responsible for the supervision and management of the sale of tobacco products within the State of Vermont and for the enforcement of laws and regulations relating to the distribution and use of tobacco products.

One of the branches of the Department of Liquor Control is the Enforcement Division. The duties and responsibilities of this division are to enforce the laws and regulations pertaining to the sale, furnishing, usage and distribution of tobacco products in the State of Vermont. These duties include investigation of complaints, on-site inspections, compliance checks of tobacco retailers, and

education programs for schools, licensees, civic groups, and law enforcement agencies.

All rules and regulations of the Liquor Control Board have the force of law by virtue of Vermont Statutes Annotated, Title 7, as amended.

It is the duty of all licensees to familiarize themselves with the laws of the State of Vermont relative to the sale of tobacco products as well as the rules and regulations of the Board applying to their particular license. Whenever it determines that the licensee has violated the laws of the State of Vermont, any rule or regulation of the Board, or any condition of the license or permit, the Board may in its discretion and after giving the licensee an opportunity to be heard, revoke or suspend any license or permit granted by it or any license granted by the commissioners of any town or city.

## Tobacco: Products

The law now defines “tobacco substitutes” and “tobacco paraphernalia” and prohibits the sale of these products to any person younger than 18 years of age. Tobacco paraphernalia include devices for holding tobacco, rolling paper, wraps, non-commercial cigarette rolling machines (for individual use), pipes, water pipes, carburetion devices, bongs and hookahs.

Tobacco substitutes means products including electronic cigarettes or other electronic or battery-powered devices that deliver nicotine or other substances into the body through inhaling vapor and that have not been approved by the FDA for tobacco cessation or other medical purposes.

# Education

The purpose of these programs is to provide training to the tobacco seller about Vermont's tobacco laws and regulations. People who understand these laws will do better and have fewer problems. We feel that it is so important that the legislature passed a law requiring training.

The law says:

- Someone who applies for a tobacco license will not be able to get one until they have completed the appropriate DLC in-person or on-line training. The business can shall designate a director, partner or manager to comply. They must maintain an up-to-date training certification in order for the license to be renewed each year.

- Every employee who sells tobacco products has to be trained before they start working and within every two years thereafter.

If everyone is not trained the business's tobacco license will be **suspended for at least one day**.

A business may also comply by having a DLC certified employee of their company train other employees using this booklet and the DVD that accompanies it. Being trained "in-house" as we call it, is a non-transferable training only good for this business where you are being trained. Be sure to ask your trainer about all of the information in this book and also check on what the "company policies" are.

**Everyone must be properly trained and copies of training certificates must be kept on file and immediately available for inspection by a law enforcement officer upon request. Not being trained and not having certificates available means the business will receive a license suspension of at least one day for each of those offenses.**

*Options for training include DLC In –Person Trainings and DLC On-Line trainings . Information on those options are found on our website.*

## Tobacco Substitute Endorsement

Beginning in July of 2016 in order to sell any tobacco substitutes, a business is required to purchase a Tobacco Substitute Endorsement from their local municipality and the DLC.

No person shall engage in the retail sale of tobacco products, tobacco substitutes, or tobacco paraphernalia, or provide a vending machine for their sale in his or her place of business without a tobacco license obtained from the Department of Liquor Control; provided, however, that no person shall engage in the retail sale of tobacco substitutes without also obtaining a tobacco substitute endorsement from the Department of Liquor Control. Tobacco licenses and tobacco substitute endorsements shall expire at midnight, April 30, of each year.

A person who sells tobacco products, tobacco substitutes, or tobacco paraphernalia without obtaining a tobacco license and a tobacco substitute endorsement, shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.

# Minors

## The legal age to purchase or use tobacco in the State of Vermont is 18 years old.:

- A person less than 18 years of age shall not possess or purchase tobacco products unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products to effect a sale in the course of employment. A person less than 18 years of age shall not misrepresent his or her age to purchase tobacco products. A person who possesses tobacco products in violation of this shall be subject to having the tobacco products immediately confiscated and shall be further subject to a civil penalty of \$25.00. In the case of failure to pay a penalty, the judicial bureau shall mail a notice to the person at the address in the complaint notifying the person that failure to pay the penalty within 60 days of the notice will result in either the suspension of the person's operator's license for a period of not more than 90 days or delay the initial licensing of the person for a period of not more than one year.

## Selling or Furnishing tobacco to persons under 18 years old:

An individual who sells or furnishes tobacco products, paraphernalia or tobacco substitutes to a person under 18 years of age shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation and shall be brought within 24 hours of the occurrence of the alleged violation.

As you can see by the law, there is a penalty for the minor who purchases, possesses, or uses tobacco products, but the penalty for the person who furnishes the tobacco products to the minor is even more costly. Further, selling these products to a minor may cause the tobacco license and/or the to be suspended or revoked by the Liquor Control Board.

The seller must be absolutely certain that the person is at least 18 years old before selling them any tobacco products.

# Compliance checks

The Department of Liquor Control conducts compliance checks of premises that are licensed to sell tobacco products. These compliance checks are completed with the cooperation of an individual under the age of 18.

The minor will present the seller with their actual identification when asked. Your business is required to card anyone who appears of questionable age.

If you fail a compliance check, you will get a \$100 fine. The store may also receive a penalty.



**You must card anyone who appears of questionable age.**

# REACT

**R**

**REQUEST the ID**

The ID must be Valid, must be Photographic and you must ask if you think they are of questionable age. Remember, it is the law that you must ask their ID. If they want to purchase alcohol, they must be able to prove that they are of age.

Acceptable forms of Identification

- Valid Photographic Driver’s License
- Valid Non-Driver’s License
- Valid Enhanced Driver’s License issued by any State or Foreign Jurisdictions.
- Valid Military ID (any form)
- Valid Passport
- Valid Passport Card

**E**

**EXAMINE the ID**

Compare the face in front of you to the one on the ID. Weight, hair and makeup can change. Height, eye shape and ear placement do not change.

Look at the date of birth and expiration date. Don’t just glance. **LOOK!** Read them and do the math! It is illegal to serve a minor and you could go to JAIL!  
**READ the ID!**  
**THE FACTS**

Studies show

In a 2012 PIRE study, 65% of minors using a fake ID were able to purchase alcohol in establishments.

In 77% of failed Vermont compliance checks, the employee IDed the minor and still sold to them.



# Continue to REACT

## C

### Confirm the ID

Call the 1-866-ITS-FAKE or your local authorities and give them all the information on the ID. They can confirm it is valid and that all the information matches. If it is not valid or if any of the information does not match.... Sometimes you will not need to make the phone call, sometimes simply telling the minor you are going to run their ID is enough to make them run away.



Or call your local authorities.

## T

### Take Action

Call the police, your manager... write this incident in the business's log book.

If the minor leaves the ID with you, please fill out the DLC ID Envelope and drop them in the mail.



## How to Use an ID Checking Kit

In order to help you identify fake IDs, you can purchase a Vermont Department of Liquor Control ID Checking Kit. In this kit you will find the most recent ID Checking Guide, a UV lighted magnifier and envelopes for mailing abandoned ID's to liquor control. Please remember that ID Checking guides need to be replaced yearly to assure you have the most up to date information available.

Minors using borrowed IDs and high quality fakes purchased over the internet can cause big trouble to a business. If an employee isn't taking the time to look carefully at IDs, a minor could get alcohol. This is a crime. The DLC is dedicated to helping you prevent underage drinking sales which can negatively impact the business. Getting caught selling to minors can ruin a business's reputation, cause fines and penalties and increase risks for public safety.

By using the tools in the ID Checking Kit and by brushing up on your refusal skills, you can help prevent underage drinking sales at your business. Be sure to REACT each and every time you check an ID. Remember, carding customers is not only part of the job, it's the law. Use the REACT system when you card to ensure that minors do not get alcohol in your business.

## How to Use the ID Checking Guide

The guide contains images of driver's licenses for all 50 states and the Canadian provinces. It also includes images of Passports and Military ID'S. That means you can find images of all of the acceptable forms of Identification in this booklet. You will also find other forms of Identification, not acceptable for alcohol and tobacco in the State of Vermont. Please remember you can only accept Valid Photographic Driver's License, Non-Driver's License, Enhanced Driver's License issued by any State or Foreign Jurisdictions; Valid Military IDs and Valid Passports and Passport Cards.

When someone hands you an out of State ID, open up your ID guide to that state. The sample IDs in the guide are the same size as the ID in your hand. Compare them. Read the written narrative. If there are any discrepancies, do not accept the ID and refuse the sale. The narrative may also include any micro printing which you can use lighted magnifier to see. In the back of the guide you will see images of the holograms you can see using your black light. Does it look the same in your hand as in the book?

If you have any questions... REFUSE! Say NO!

## How to Identify a Minor

As previously discussed, it is very important that a seller make certain to sell only to those customers who are of legal smoking age. To do this the seller must be observant and evaluate whether the customer is of questionable age. The rule of thumb is -- when in doubt -- ask for I.D.

You, the seller, must remember that people who are less than 18 will often try to make themselves appear older than they really are. This may be done, in the case of women, by applying makeup in such a way as to make them appear much older than they really are. The minor will also try to appear older through his or her actions. Sometimes the person will be cocky or overly self-assured. The person may, on the other hand, appear nervous or try to act "invisible", so as to melt into the crowd. The key is to watch for any action or lack of action on the part of the person that seems out of the ordinary. Remember, when a person is under 18, getting tobacco products is a big deal, but usually once the person turns 18 it loses its appeal somewhat.

Most experienced sellers will say that they know the person is a minor even before he or she asks for the tobacco products. This is due to appearance, actions, and facial features. Always keep the frame of mind that the customer has to prove to you that they are of legal age. If you're not sure, don't sell to them.

Considering the penalties, it is better to be safe than sorry. Minors do act differently than adults. As stated above, many times you will detect a minor even before he or she asks for the pack of cigarettes. They will park their car at the far end of the parking lot, when all the rest of your customers park as close to the front entrance as possible. They will wander all over the store trying to build up enough courage to attempt to purchase. They will ask for the price list to find out what's the best buy. Some will be wearing their high school clothing with their year of graduation right on the jacket.

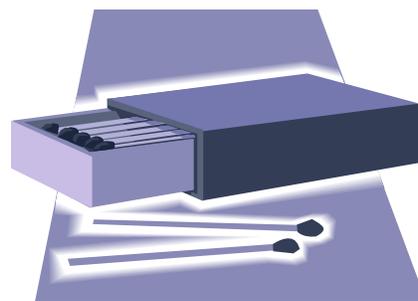
Remember, if you are not carding the store could receive a fine for not asking for a customer's ID when selling.

## That other stuff...

Matches & lighters are not considered tobacco products and be sold to anyone. However a store can make a policy that they won't sell these types of products to anyone under 18 if they wish.

The sale and purchase of bidis is prohibited.

Please remember that tobacco paraphernalia and tobacco substitutes are illegal to sell to anyone under the age of 18!



**Employees :**

- ***Must be at least 16 years old to sell tobacco products, paraphernalia or tobacco substitutes.***
- ***Must be paid on a fixed or hourly***
- ***Must be able to read, write and speak English***
  - ***Must not consume alcohol or illegal substances or display signs of intoxication***

## Tobacco Laws

- Tobacco products and substitutes must be displayed behind a counter or other area not accessible by the public or in a locked container unless the business is an 18+ only or unless it is unopened cartons or multipacks displayed in plain view of a responsible employee.
- Cigars and pipe tobacco stored in a humidor on the sales counter must be in plain view and under the control of a responsible employee so that the removal of these products from the humidor can be readily observed by that employee.
- The use of tobacco products or substitutes is prohibited in any workplace with the exception of a business whose sole purpose is to provide the setting for patrons to purchase and use tobacco substitutes and related paraphernalia.

## More Tobacco Laws

- Commercial cigarette rolling machines are banned in Vermont, with criminal and civil penalties provided for violation of law. A cigarette rolling machine capable of rolling 200 cigarettes in fewer than 15 minutes is presumed to be for commercial purposes. Such machines are deemed contraband and are subject to seizure.
- Vending machines selling tobacco products are prohibited.
- No person holding a tobacco license shall sell cigarettes individually or in packs that contain fewer than 20 cigarettes.
- Those little cigars that weigh 3 pounds or less per 1000 can only be sold in packs of 20 or more.

## Synthetics

Synthetic stimulants are powerful and addictive amphetamine- or methamphetamine-like stimulants. They have been known or marketed as bath salts or plant food under names including Ivory Wave, Purple Wave, Vanilla Sky or Bliss.

The drugs appear as a white, tan or brown powder that is snorted, smoked, swallowed or injected. Vermont's Regulated Drugs Rule ban the manufacture, use, sale or possession of these drugs

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OF LIQUOR CONTROL  
13 GREEN MOUNTAIN DRIVE  
MONTPELIER, VERMONT  
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[liquorcontrol.vermont.gov](http://liquorcontrol.vermont.gov)



**THE TOBACCO LAW POSTER IS  
MANDATORY. THE OTHERS ARE  
NOT REQUIRED BUT ARE HELFUL  
ALL ARE FOUND ON OUR WEBSITE**



1. If all employees who sell tobacco aren't properly trained, the business's tobacco license will be suspended.

True  False

2. If I fail a compliance check, I (the seller) will get:

A present  My name in the paper  
 A warning  A fine

3. In the State of Vermont you must be \_\_\_\_\_ years old to purchase tobacco or tobacco paraphernalia?

21  16  
 I don't know  18

4. If I sell tobacco to someone who is under 18, I will:

Go to jail  Get a fine  
 Get a present  All of the above

5. Who gets in trouble if I sell or furnish tobacco to a minor?

Me  The store  
 The kid  All of the above

6. Which four forms of identification are acceptable for the purchase of tobacco?

Valid Photographic Driver's License, Non-Driver ID, Passport and Social Security Card  
 Valid Photographic Driver's License, Passport, Military ID, or Non-Driver ID  
 Photographic Driver's License, Military ID, Passport or Resident Alien Card.  
 Expired License, Passport, Non-Driver ID or Birth Certificate.

7. Customers are allowed to smoke inside your store.

True  False

Review your test with your trainer and review any questions you may have!

Updated May 2016

**Vermont Department of Liquor Control**  
**In-House Education Training Certificate**  
Tobacco Only Training

**Date of Training:** \_\_\_\_\_ (expires 2 years from this date)

**Employee First Name:** \_\_\_\_\_ **Last Name:** \_\_\_\_\_

Corporation/Partnership/Individual/LLC: \_\_\_\_\_

D/B/A (Business Name): \_\_\_\_\_

Address: \_\_\_\_\_ Town/City: \_\_\_\_\_

I, \_\_\_\_\_, **acknowledge that the above employee has watched the DLC training**

Trainer's Name (Print)

**DVD, read the Seller or Server training booklet and taken and passed the test, certifying them to sell tobacco at this business under the provisions of Education Regulation 3B.**

\_\_\_\_\_  
Name of Trainer

\_\_\_\_\_  
Date of Trainer's DLC certification

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Employee Signature

**This training certificate is NOT TRANSFERABLE to other businesses.**

Education Regulation 3B reads: Each licensee shall ensure that every employee who is involved in the preparation, sale, service or solicitation of alcoholic beverages or the sale of tobacco products, or enforcing of alcohol and/or tobacco laws and regulations must complete a training program offered or approved by the Department of Liquor Control before the employee begins working in that capacity and at least once every two years thereafter. Each licensee shall maintain written documentation, signed by each employee trained of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using all information and materials furnished by the Department of Liquor Control, or from a program approved by the department. A licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title.

Education Regulation 3D reads: All records, and certificates, indicating that an employee has been trained must be kept on all licensed establishments at all times. Those training records shall be available at all times and must be presented immediately to a Liquor Control Investigator or a Vermont Law Enforcement Officer if it is requested or the licensee shall be subject to a suspension of no less than one day of the license issued under this title.