

TOBACCO ONLY IN-HOUSE

Training Manual

**For Sellers of Tobacco Products,
Paraphernalia, and Substitutes**



**DEPARTMENT OF LIQUOR AND LOTTERY
DIVISION OF LIQUOR CONTROL**

TOBACCO IN-HOUSE Training Manual

2019 07

All must be trained

Requirements for Education

An owner, manager, director or partner must be trained by DLC either online or in-person. No licenses or permits will be renewed if the training is not up-to-date. A person certified by the DLC can train others with this In-House booklet and test. This certification is not transferable to other businesses.

Q: What happens when employees aren't trained properly?

A: The business's license will be suspended for at least one day.

Training Certificates

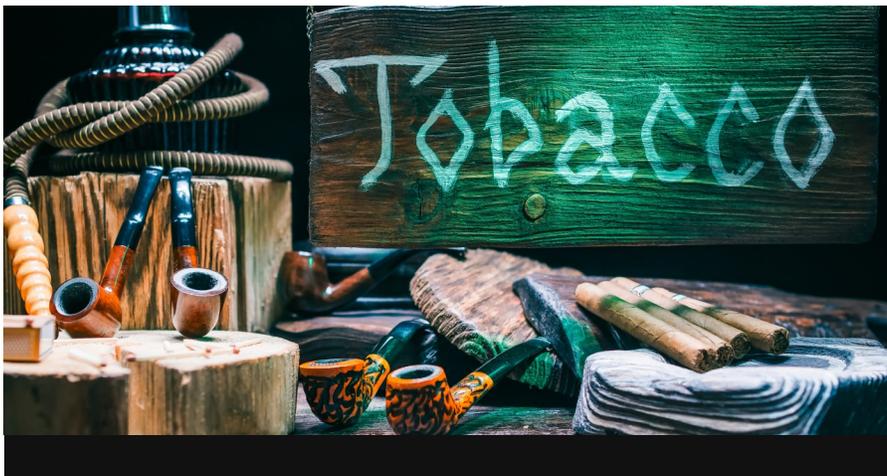
Copies of training certificates for all employees must be kept on file and must be available upon request.

Q: What happens when the business doesn't have copies of training certificates readily available for an investigator's inspection?

A: The business's license will be suspended for at least one day.

Everyone who works and sells tobacco in a business is required to be trained before they begin working and must be retrained every two years. Copies of training certificates must be available for inspection.

- Education Regulation



Topics covered:

- ◆ Definitions
- ◆ Regulations
- ◆ Laws & Consequences
- ◆ Carding and Acceptable Forms of ID



FOLLOWING THE RULES

Certain violations will result in a fine for the business, or a license suspension. Businesses will be issued a ticket which they must send to the Department of Liquor and Lottery, Division of Liquor Control within 10 days.

The Division of Liquor Control's Office of Education created this booklet to provide the basic rules an employee would need to know to do their job. This material only trains you for this job. It does not transfer to any other business. The Education Unit provides in-person trainings and online training for those who wish to take it. Education is important. You must be trained before you start and re-trained every two years.

Employees need to make sure there are no violations of Title 7 regulations or laws. If there are problems they be must corrected quickly. Knowing what you should do in the case of any problem is important. How do you handle issues within your business? This booklet will provide you with the basic rules you need to know, but it is important to talk with your employer for specific company policies that are in addition to this book.

It is the DLC's Office of Compliance and Enforcement that is charged with investigating possible violations of tobacco laws and regulations, and carrying out law enforcement activities related to these incidents. Comprised of a team of law enforcement investigators and supporting staff, and working closely with other law enforcement agencies, this division protects the public safety and ensures that laws and regulations are followed.

The Department of Liquor and Lottery Control Board is made up of 5 members appointed by the Governor. They preside over all hearings and work with the legislative body to create Vermont's Regulations. This booklet contains many, but not all, of the regulations and laws that you will need to know to do your job. A complete list of the Title 7 regulations are on the DLC website liquorcontrol.vermont.gov

Review this booklet with your DLC trained trainer and be sure to discuss any company policies that your business has that make it more restrictive than the law.

TOBACCO

Tobacco Products:

Tobacco products are anything with tobacco in it, including, but not limited to, cigarettes, cigars, chew and pipe tobacco.

Tobacco Paraphernalia:

Items include products used to inhale or ingest tobacco including, but not limited to, rolling papers, blunt wrappers, pipes, water pipes, hookahs and bongos.

Tobacco Substitutes:

Include e-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.

In order to sell any form of tobacco substitute, the store must have a Tobacco Substitute Endorsement.

TOBACCO

Customers must be at least **21** years old to purchase tobacco products, paraphernalia or tobacco substitutes. You must remember to card anyone who is of questionable age who is attempting to purchase tobacco.

If you sell any of these products to a customer who is not yet **21** years old, you will receive a \$100 fine. Subsequent penalties can be as much as \$500 in fines. The store will also receive penalties as it is a violation of law.

Not only do you need to be careful to not sell these products to minors, there are other rules about tobacco that must be followed.

A business may only display or store these products behind a sales counter or in areas not accessible to the public or in a locked container. In the case of cartons of cigarettes and multi-packs of chewing tobacco, it may be allowed to be accessed by customers, but must be in plain view of a responsible employee at all times.

No use of tobacco products is allowed inside public places. A “Vape” Shop may allow customers to sample if they do not sell food or beverages.

Cigars and pipe tobacco can be stored in a humidor on the sales counter only if in plain view of a responsible employee so that removal would be readily observed.

Vending machines, bidis and commercial rolling machines are illegal. Cigarettes cannot be sold in packs of less than 20 and must have the Vermont Tax Stamp on it. Flavored Cigarettes and rolling papers are also illegal.

Stores selling tobacco products, paraphernalia or substitutes must have posted a Tobacco Sign. That sign can be found on the DLC website. liquorcontrol.vermont.gov



WHERE IT COMES FROM

All tobacco must be purchased on invoice from a licensed tobacco wholesaler.

HOURS

Tobacco may be sold during all open for business hours.

LICENSES

The business's tobacco license (and tobacco substitute endorsement) must be displayed under a protective coating in clear view of the public. All the tobacco must be stored on the licensed premises.



EMPLOYMENT REGULATIONS

Anyone selling tobacco must be at least 16 years of age.

Every business that sells tobacco must have a responsible person on site at all times. All employees must be paid by the business and be able to read, write and speak English.

No employee may be under the influence of alcohol or any other drugs or illegal substances while on duty.

A business must be up to date with the Department of Health, the Tax Department, and the Department of Labor.

If a business makes any changes to their business make up (directors, owners or partners) you must notify the DLC in writing at least 20 days prior.

At least 2 years worth of the all business records including but not limited to payroll, receipts and invoices must be kept on site.



DEPARTMENT OF LIQUOR AND LOTTERY
DIVISION OF LIQUOR CONTROL

REFUSAL SKILLS

When working with customers, be sure to **TAKE CARE** of them:

T: Talk and tell early. Letting customers know what the expectations for how to behave in your business is important.

A: Alternatives: “I’m sorry, I cannot sell you this tobacco product, but would you still like to purchase the other items?” You do not need to make a big deal out of the refusal. You will need to be able to refuse to sell tobacco to a customer, but that doesn’t mean you need to refuse to sell them bread and milk.

K: Keep calm. This is your job. Dealing with difficult situations can be part of the job.

E: Elaborate the law. You have the law on your side. Know it. Use it.

C: Clarify the refusal. Let your customer know that you cannot sell to them. You will not change your mind. Be clear with the refusal.

A: Avoid putdowns and poor language. If the customer gets upset, you do not need to be upset with them. Do not swear, yell or threaten the customer. Do your job. Be professional.

R: Record and report any incidents to your employer and review with coworkers to improve how the business handles situations that arise.

E: Empathy. Your customer is a person too. Be kind. Remember that we all have bad days. This isn’t your bad day, it is theirs, and they will remember how you handled it with them.

LOG BOOKS and INCIDENT REPORTS

It is helpful to know and follow the liquor laws so you can avoid these types of problems. It may be a good idea for employees to keep a personal log of any unusual things that may happen. If something unusual happens when you are working you should write down what happened into a notebook for you to keep. The notes should include the name and/or description of the customer and a brief write-up of what happened. The establishment is also encouraged to keep a log book.



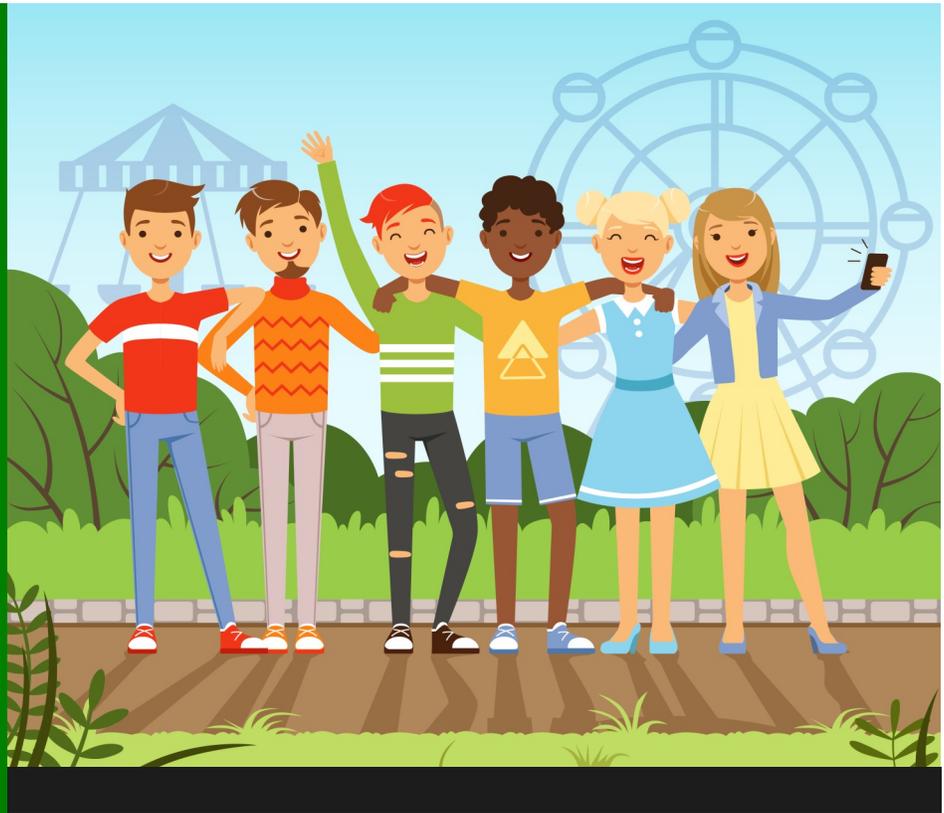
WHAT IS QUESTIONABLE AGE ?

There is also a regulation that states that you must card anyone who is of questionable age.

That means if you think the customer looks young, you must card them.

It can be hard to tell the difference between an 17 year old and a 22 year old, but it can be an expensive mistake to make.

You are always safest to ask a customer for their ID.



SELLING TO A MINOR

Vermont law says that people must be **21** years old to purchase tobacco products, paraphernalia or tobacco substitutes.

If you sell any of these products to a customer who is not yet **21** years old, you will receive a \$100 fine. Subsequent penalties can be as much as \$500 in fines. The store will also receive penalties as it is a violation of law.

In Vermont, the Department of Liquor and Lottery, Division of Liquor Control conducts compliance checks of its licensed establishments. The DLC uses 16 and 17 year olds to attempt to purchase products you are age restricted. Our intention is to watch an employee card and refuse our minor.

When you sell tobacco to a minor during a compliance check performed by the DLC you will get a penalty. The penalty for a first offense is a \$100 fine with subsequent offenses being up to \$500. The business also receives penalties when an employee fails a compliance check, which include mandatory retraining from the DLC.

Acceptable Forms of ID

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

VERIFYING CUSTOMERS AGE

It is the law that you must ask for an ID if you think they are of questionable age. The ID must be a Valid, Photographic Acceptable form of ID. If they want to purchase alcohol or tobacco, they must be able to prove that they are of age.

Compare the face in front of you to the one on the ID. Weight, hair and make-up 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!**

Watch how the customer acts when you ask for their ID. Are they nervous or unsure? When you ask them questions about the information on the ID are they confident? If their behavior makes you suspicious, refuse them.

If there is a question about the ID, call 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, Do **NOT** accept it!

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.

What do you do next? Call the police, your manager, and 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 it in the mail. See next page for information on the ID Kit.

COMPLIANCE CHECKS

The Division of Liquor Control conducts regular compliance checks to ensure that businesses are IDing customers for alcohol and tobacco. By using minors 18, 19 and 20 years old to attempt to purchase alcohol and 16 and 17 years old to attempt to purchase tobacco products, they are able to witness businesses verifying ages and refusing sales. Compliance minors will present their actual valid IDs. Refusing sales should be an easy demonstration of a business following the law.



How to Use an ID Checking Guide

In order to help you identify fake IDs, you can purchase a Division of Liquor Control ID Checking Kit. In this kit you will find the most recent ID Checking Guide and a UV lighted magnifier. 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. Remember, carding customers is not only part of the job, it's the law.

The guide contains images of driver's licenses for all 50 states and the Canadian provinces. It also includes images of Passports and Military IDs. 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 a Valid Photographic Driver's License, a Valid Photo Non-Driver's License, a Valid Photo Enhanced Driver's License issued by any State or Foreign Jurisdictions, Valid US Military IDs and Valid Passports and Valid 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?

ID kits can be purchased through the Department. The order form is on the website.

liquorcontrol.vermont.gov



OTHER IMPORTANT REGULATIONS TO KNOW

All employees must cooperate with law enforcement. You cannot interfere in the course of their duties and you must provide your ID if you are asked. Remember to work with them. Talk to your boss about emergency procedures, who your local law enforcement is and how and when to contact them.

Gambling is illegal on a licensed property. Only approved Lottery games may be sold at the store.

It is the responsibility of the store to control the conduct of the customers. There can be no illegal activities on the store's property. You cannot conduct your business in such a way that it is a nuisance to the community.

LICENSE RENEWALS

All licenses expire at Midnight on April 30 each year and need to be renewed.

All of the information for the corporation must be up to date.

Changes need to be submitted in writing.

Licensees must be in compliance with the Departments of Health, Labor, and Taxes as well as with the Secretary of State's office.

Contact Us

Vermont Department of
Liquor and Lottery
Division of Liquor Control
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Visit us on the web at
www.liquorcontrol.vermont.gov



**DEPARTMENT OF LIQUOR AND LOTTERY
DIVISION OF LIQUOR CONTROL**



VERMONT

DEPARTMENT OF LIQUOR AND LOTTERY
DIVISION OF LIQUOR CONTROL

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 21, 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 August 2019

Vermont Department of Liquor and Lottery, Division of Liquor Control In-House Education Training Certificate Tobacco Only

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 read the Tobacco seller

Trainer's Name (Print)

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.