

TOBACCO

IN-HOUSE TRAINING MANUAL

2023/08

REQUIREMENTS FOR EDUCATION

Every business must have an owner, manager, director or partner trained by the DLL (Department of Liquor and Lottery) either online or in-person. No licenses or permits will be renewed if training is not up-to-date.

A person certified by the DLL can train others with this In-House booklet, video and pass the test. This certification is not transferable to other businesses. If employees aren't trained properly, the business may be fined or have their license(s) suspended.

TRAINING CERTIFICATES

Electronic or printed copies of training certificates for all employees must be available upon request. If they are not available the business may be fined or have the license suspended.

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 respond to within 10 days.

Should a suspension be issued to the business, a notice of the suspension will be displayed in a conspicuous location to the public.

Every employee who is involved in the sale, service, or solicitation of tobacco products, paraphernalia, and substitutes, or the enforcement of tobacco laws and regulations must complete the training program before working in that capacity and at least once every two years.

- Education Regulation



INFORMATION COVERED

- REGULATIONS & LAWS
- CONSEQUENCES
- MINORS
- ACCEPTABLE IDS

TOBACCO 21

It is illegal to sell or furnish tobacco products, tobacco paraphernalia, or tobacco substitutes to any person under 21 years of age.

VSA TITLE 7 CHAPTER 40 § 1003 - § 1006



The DLL'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 Office of Education provides in-person trainings and online training for those who wish to take it. Education is important, and 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 must be 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 DLL's Office of Compliance and Enforcement that is charged with investigating possible violations of liquor 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 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 DLL website.

Review this booklet with your DLL In-house trainer and be sure to discuss any company policies that your business has that makes it more restrictive than the laws. Watching the Tobacco Training Video may be helpful to view carding and refusal skill techniques.

NOTES:

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 bongs.

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 DLL website.

NOTES:

WHERE IT COMES FROM

All tobacco must be purchased on invoice from a licensed tobacco wholesaler. Corporations may transfer product between similarly licensed locations controlled by the same entity.

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 of 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.

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 DLL 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. For businesses that employ video surveillance system at the licensed establishment, DLL may examine such system or retained video footage.

NOTES:

REFUSAL SKILLS

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

T: Talk and tell early. Letting customers know what the expectations are 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 tobacco 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 a 17 year old and a 22 year old, but it can be an expensive mistake to make.

You are safest when you ask a customer for their ID and verify their age.



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.

COMPLIANCE CHECKS

In Vermont, the Department of Liquor and Lottery conducts compliance checks of all licensed establishments. The DLL uses minors, aged 16 through 20 year olds to attempt to purchase products that 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 DLL 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.

NOTES:

Acceptable Forms of ID

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

TEMPORARY IDS ARE
NOT ACCEPTABLE

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 sell to 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 of 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.

NOTES:

How to Use an ID Checking Guide

In order to help you identify fake IDs, you can purchase a Department of Liquor and Lottery 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 DLL 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 tobacco 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 a 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

NOTES:

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 their 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 one year after issuance.
- Use the online portal to renew.
- Be sure to renew in time for any town approvals to process.
- All of the information for the corporation must be kept up to date.
- Changes need to be submitted with the renewal application.
- Licensees must remain in compliance with the Departments of Health, Labor and Taxes as well as with the Secretary of State's office.

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Posters and Publications

Below are mandatory posters, optional posters and other publications that may be helpful for your business. Click on the image to open the PDF to print. To request a printed copy be mailed to your business email DLL.DLCEduTeam@vermont.gov.



MANDATORY

Must be displayed by all businesses serving alcohol



MANDATORY

Must be displayed by all businesses that hold a Tobacco License



REGULATION UPDATES



MANDATORY

Must be displayed at Retail Tasting Events



MANDATORY

Kegs must be logged on this form whenever a keg is purchased



ALCOHOL AND TOBACCO STOPLIGHT POSTER

Can help you determine if a person is old enough to purchase alcohol or tobacco



ALCOHOL AND TOBACCO YEARS STICKER

Can help you determine if a person is old enough to purchase alcohol or tobacco



ACCEPTABLE IDS POSTER

Reminds everyone which forms of ID are acceptable in Vermont

Check out our website at liquorcontrol.vermont.gov for the new licensing portal and for all your education needs!

Contact Us

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