

TENNESSEE TOBACCO RETAILER Education Guide



**NO IFS, ANDS
OR BUTTS.
WE DON'T SELL
TOBACCO TO
MINORS!**

Developed by the
Tennessee Department of Mental Health
Division of Alcohol and Drug Abuse Services



In collaboration with the
Tennessee Department of Agriculture and the
Tennessee National Guard Counterdrug Task Force



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Tobacco Laws

Tobacco Laws At-A-Glance

Below are brief descriptions of the laws pertaining to selling tobacco products to youth in Tennessee. The full text of the laws can be found at www.tennesseeanytime.org/laws/ under “All Laws & Rules.”

Minors

- § 39-17-1504 **Sales to minors – Violation**
Prohibits selling or distributing tobacco products to persons under the age of 18 or purchasing a tobacco product on behalf of a person under the age of 18.
- § 39-17-1505 **Prohibited purchases or possession by minors – Violation**
Makes it unlawful for persons under the age of 18 to possess, purchase, or accept any tobacco product or to present false proof of age, which is fraudulent, for the purpose of purchasing or receiving any tobacco product.

Retail

- § 39-17-1504 **Sales to minors – Violation**
Proof of age is required if an ordinary person would conclude on the basis of appearance that a prospective buyer or recipient may be under the age of 27.
- § 39-17-1506 **Required postings**
Lists the dimensions and the required wording for signs that must be posted at retail locations which shall be no smaller than ninety-three and one-half (93 1/2) square inches, to ensure that it is likely to be read at each point of sale.
- § 39-17-1507
and
21 C.F.R.
§ 1140.16(c)(2) **Vending machine sales**
Makes it unlawful for any person to sell tobacco products through a vending machine unless the vending machine is located in any of the locations listed in the full description of the law, and the new federal law, 21 C.F.R. § 1140.16(c)(2), which took effect on June 22, 2010. (This new law preempts state law and must be considered with regard to vending machine sales.) Bans vending machine and self-service displays except in facilities where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time.
Note: You can find more information at www.USA.gov.
- § 39-17-1508 **Required packaging**
Makes it unlawful to sell tobacco products in anything except the original, sealed packaging in which they were placed by the manufacturer that bears the health warning required by federal law.
- § 39-17-1509 **Enforcement-Inspections-Reporting-Civil Penalties**
Describes enforcement, inspections and reporting procedures. Also lists civil penalties for non-compliance.
- § 39-17-1602
thru 1606 **Children’s Clean Air Act**
Lists the purpose of the act along with places where smoking is prohibited, required postings, and penalties.



Tobacco Products

In Tennessee, it is against the law to sell tobacco products to anyone under the age of 18. The following are examples of tobacco products:

- Cigarettes
- Cigars
- Chewing/Spitting/Smokeless Tobacco
- Snuff
- Loose Tobacco (pipe tobacco)
- “Loosies” – A slang term given to individual cigarettes
- Bidis (pronounced “bee-dees”)
 - Bidis are small, brown, thin, hand-rolled cigarettes that are wrapped in a tendu or temburni leaf and are often tied with a colorful string at each end. Bidis can be flavored or unflavored.





Avoid Breaking the Law

Generally Accepted Forms of Identification

Driver License and State ID

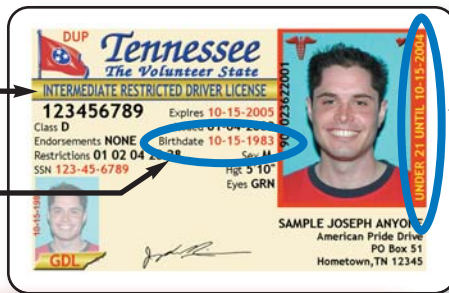


Birthdate is in red
(Note: Not all states show the birthdate in red)



Graduated Driver License (GDL)

Issued to persons under 18.
(Note: Birthdate is in red)

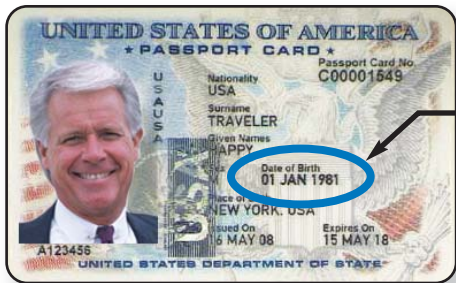


"Under 21 until..."

Learner Permit issued to persons under 16.
Layout is same as the GDL above.



U.S. Passport Card



Passport birthdates are generally in the middle.



Note: There are many types of Military Identification Cards and Immigrant Visa Cards and they come in a variety of colors. If a customer provides you with a Military ID or an Immigrant Visa, check for the photo and the date of birth on the card. They may appear on opposite sides of the ID Card.



Tennessee

A Guide to the New License and identification Card

New Look and Security Features

- New design showcasing Tennessee landmarks and icons
- Fine line security background design
- Digital portrait and signature
- Ghost portrait
- Multiple date of birth placement on front and back of the card
- Cards laminated with a tamper resistant coating and holographic designs
- Applicable class, endorsements, and restrictions printed on back of the card
- Identification cards and Handgun Carry Permit carry the same security features

Identification Card

Tennessee Landmarks

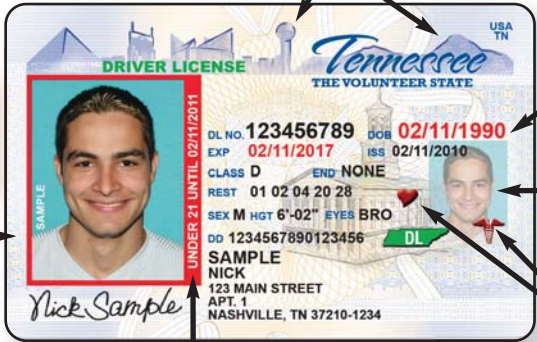


Safety Background Design

Minor Driver License

Tennessee Landmarks

Security Background Design



Date of Birth

Ghost Portrait

Under 21 Indicator

Organ Donor and Medical Alert Indicators



Tennessee

A Guide to the New License and identification Card (cont.)

Adult Driver License

Tennessee Landmarks



Date of Birth

Ghost Portrait

Security Background Design

Organ Donor and Medical Alert Indicators

Holographic Laminate

Design appears and disappears and the colors shift as the viewing angle changes.

Tennessee State Seal

Tennessee Purple Iris

2D Imagery

Fine Line Musical Notes

Animated Pattern

Back of License

Web address for easy Online Renewal

Date of Birth

Class Endorsements Restrictions

1D Barcode

2D Barcode

Organ Donor and Medical Alert Indicators



Spotting Fake IDs

Note: *The information most tampered with is the picture, birth date and height.*

- Compare the ID to the person
 - Compare facial features
 - Check for red eye in the photo
 - Compare the height information to the person
 - Compare the birth date to the person
- Check for signs of tampering
 - Feel for bumpy surfaces or bubbles under the lamination
 - Look for erasure marks
 - Check for fuzzy numbers, numbers that do not line up, or numbers that have different fonts
 - Check for fuzzy letters, letters that do not line up, or letters that have different fonts
 - Check for a misaligned state seal
 - Look for rough edges, especially around the picture.
- Check the expiration date carefully; an expired license is **not** a form of acceptable identification.
- Check to see if the ID is a duplicate. This could indicate that this is not the actual purchaser's ID.
- Ask the person for a second or third form of identification if you are still unsure.
 - In the case of a borrowed driver license where the person looks similar to the original owner of the ID, there will probably not be multiple cards with the same name as the ID. Ask to see a credit card.
- Insert key questions which are not usually thought of when someone changes the dates on an ID. Ask for their zodiac sign or the year they graduated high school.



Youth Strategies for Getting Tobacco

- Use a fake ID
- Use a borrowed ID
- Have someone else buy the product for them
- Choose stores that don't ask for ID (easy sale store)
- Try to act sophisticated by acting older, using make-up, or changing their clothing style to try and look older
- Try to convince the clerk to sell the product
- Claim they are buying for their parent/guardian
- Make friends with the clerk
- Try to purchase during the busy part of the day when the clerks are more distracted and in a hurry
- Travel in groups to avoid suspicion
- Flirt with the clerk
- Bribe the clerk
- Buy in volume
- Buy single cigarettes ("loosies")

Clerk Guidelines

- Use the computer system's date checker
- Ask for ID, not just the birth date
- Check the age after asking for ID
- Calculate the age correctly
- Accept only ID that is one of the generally accepted (i.e. government issued) forms of photo identification. (Please refer to pages 7 - 9 of this guide for Generally Accepted Forms of Identification)

Note: *In order to find out if the customer is of legal age to purchase tobacco products, you must check the birth date on the ID. Having a military ID or passport does not mean that the person is of legal age to purchase tobacco.*

Calculating Age

Figuring out if a person is of legal age to purchase tobacco products is as simple as adding 20 to the birth year and then subtracting 2.

$$\text{(Birth year date + 20) - 2 = Date customer will turn 18}$$

For example, if the person's birth date shown on the ID is June 5, 1997:

- Birth date as it appears on the ID = June 5, 1997
- Add 20 to the year = June 5, 2017
- Subtract 2 from the year = June 5, 2015

According to this example, the customer will not be 18 years old until June 5, 2015.

Communicate Effectively

- Always ask for ID before taking the tobacco product from the shelf
- Give a firm yet polite response; don't accuse
- Tell the person why you cannot sell the tobacco product
- Shift your attention to the next customer

If a customer becomes irate or disagreeable:

- Stay calm
- Don't argue
- Call your supervisor or manager for assistance
- Offer to get a police officer's opinion

Practice

(Here are some things you can say when confronted)

Suspected Fake ID or Borrowed ID (Do not accuse)

"Do you have another ID?" If the answer is no, "I'm sorry, but I cannot sell the tobacco to you without another ID."

Adult Purchasing for an Underage Youth

"I'm sorry. I cannot sell you this product because it appears that you may be buying it for an underage person."

Traveling in Groups

"In order for me to sell this product, everyone in the group must be 18. May I see everyone's ID, please?"

Attempt to Bribe

"I'm sorry, but it is not worth the fines or losing my job."

Youth Purchasing for Parent/Guardian

"I'm sorry, but it is against the law for me to sell to anyone under the age of 18, even if it is for their parents."

Underage Without ID

"I'm sorry. It is against the law to sell tobacco without first verifying your age on a valid ID."

Without ID Who Appears Over 18

"Store policy requires that I check the ID of all customers who appear to be under the age of 27. If I don't, I could lose my job."

Underage Friends

"It's nothing personal; it's just the law. I could lose my job or be fined."

Incentives for Obeying the Law

- No fines
- No jail time
- Keep your job
- Gain/maintain respect of the community
- May be rewarded by management
- Reduce the number of youth who may become addicted to tobacco
- Fewer youth will target your store for illegal purchases

Civil Penalties

Any person who violates Tennessee Code Annotated (TCA) § 39-17-1504, § 39-17-1506, § 39-17-1507, or § 39-17-1508 shall receive the following civil penalties:

Offense	Civil Penalties
1st	Warning Letter
2nd	Fine up to \$500
3rd	Fine up to \$1,000
4th	Fine up to \$1,500

For the purpose of determining subsequent violations, only those violations that occurred within the previous five (5) years shall be counted.



Tobacco Facts

- Although people under 18 cannot legally purchase tobacco products, more than half buy the cigarettes they smoke directly from retailers or vending machines.¹
- Tobacco use continues to be the single leading preventable cause of death and disease in the United States.²
- More than 80% of established adult smokers begin smoking before age 18 years.^{2,5}
- 8,100 young people in Tennessee become regular smokers every year.³
- 13.4% of male U.S. high school students currently use spit tobacco, compared to 21.3% in Tennessee.³
- 20.9 % of Tennessee high school students report they had smoked cigarettes during the previous 30 days compared to 19.5% nationally.^{3,7}
- Approximately 450,000 people in the U.S. (over 10,000 in Tennessee alone) die prematurely each year of tobacco-related diseases. Cigarettes kill more Americans than illegal drugs, homicide, suicide, car accidents, fire, and AIDS combined.^{3,7}
- Smoking typically precedes other drug use. People who start smoking as children are almost four times more likely to be regular users of an illicit drug.⁴
- Smokers are over 30% more likely to consume alcohol and 10 times more likely to develop alcoholism than nonsmokers.⁴
- Cigarette smoking during childhood and adolescence produces significant health problems among young people. Health problems include cough and phlegm production, increased number and severity of respiratory illnesses, reduced lung function, and potential slowed growth of lung function.⁵
- Smoking reduces physical fitness performance and endurance levels.^{5,6}

¹ Kuehne, J. (2007, May 15). *Where do Youth Smokers Get Their Cigarettes?* Retrieved September 24, 2010, from Campaign for Tobacco-Free Kids: <http://www.tobaccofreekids.org/research/factsheets/pdf/0073.pdf>

² Centers for Disease Control and Prevention. (2010, August 27). *Tobacco Use Among Middle and High School Students—United States, 2000-2009*. Retrieved September 29, 2010, from Morbidity and Mortality Weekly Report (MMWR) http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5933a2.htm?s_cid=mm5933a2_e

³ Campaign for Tobacco-Free Kids. (2009). *The Toll of Tobacco in Tennessee*. Retrieved December 2, 2009, from Campaign for Tobacco-Free Kids: <http://www.tobaccofreekids.org/reports/settlements/toll.php?StateID=TN>

⁴ Campaign for Tobacco-Free Kids. (2002, January 3). *Smoking and Other Drug Use*. Retrieved September 24, 2010, from Campaign for Tobacco Kids: <http://www.tobaccofreekids.org/research/factsheets/pdf/0106.pdf>

⁵ Riordan, M. (2010, September 24). *Tobacco Harm to Kids*. Retrieved September 29, 2010, from Campaign for Tobacco-Free Kids: <http://www.tobaccofreekids.org/research/factsheets/pdf/0077.pdf>

⁶ Campaign for Tobacco-Free Kids. (2002, March 14). *Smoking and Decreased Physical Performance*. Retrieved September 24, 2010, from Campaign for Tobacco-Free Kids: <http://www.tobaccofreekids.org/research/factsheets/pdf/0177.pdf>

⁷ Lindblom, E. (2010). *Toll of Tobacco in the United States of America*. Retrieved September 24, 2010, from Campaign for Tobacco-Free Kids: <http://www.tobaccofreekids.org/research/factsheets/pdf/0072.pdf>



State of Tennessee
Department of Mental Health
Alcohol and Drug Abuse Services
Cordell Hull Building, 5th Floor
425 Fifth Avenue North
Nashville, TN 37243
(615) 532-6500

<http://www.tn.gov/mental/>