

VENDOR EDUCATION PACKET

Creating Environments Free of Substance Use



SAFEinNM.com



2020
INFORMATION AND
RESOURCES

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MICHIGAN SYNAR COMPLIANCE CHECKS BACKGROUND



The federal Synar amendment was included in PL 102-321 which was signed in July, 1992. It requires that states have in place a law prohibiting the sale of tobacco products to minors (under age 18), that states actively enforce their youth tobacco and vending machine laws, and that states demonstrate to the Substance Abuse and Mental Health Services Administration (SAMHSA) the effectiveness of their enforcement efforts. States must use “random unannounced inspections” of retailers selling tobacco products to minors and cigarette vending machines to determine compliance to their youth tobacco laws. If states do not meet the criteria outlined in the Synar amendment regulations (issued January, 1996), the statute provides authorization to withhold up to 40% of Michigan’s federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funds.

Michigan’s Youth Tobacco Act (YTA), which passed in 1988, prohibits the sale of tobacco products to minors. This meets the Synar requirements. The final regulations require that states enforce this law in such a manor as can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18. The regulations also require states to conduct annual random, unannounced inspections to ensure compliance with the law. These inspections are to cover a range of outlets (not pre-selected on the basis of prior violations) to measure overall level of compliance as well as to identify violators. These inspections are to be conducted in such a way as to provide a valid probability sample of outlets accessible to youth. The sample must reflect the distribution of the population under age 18 throughout the state and the distribution of retail outlets throughout the state accessible to youth. The category of retailers include: grocery stores, convenience stores, gas stations, bars, restaurants, and others. The regulations also require states to develop a strategy and negotiate a time frame for achieving an inspection failure rate of less than 20% illegal sales to youth. Currently, Michigan must achieve a 20% or less illegal sales rate with their compliance check process.

The Synar compliance check process is conducted annually, and reported to SAMHSA/CSAP each year as part of the federal Block Grant Application Process.

MDHHS OFFICE OF RECOVERY ORIENTED SYSTEM OF CARE

Tobacco retailers play a direct role in protecting kids from nicotine addiction and the deadly effects of tobacco use. Learn what tobacco retailers need to do to comply with the rules designed to prevent our nation's youth from becoming the next generation of Americans to die prematurely from tobacco-related disease.

FEDERAL TOBACCO 21: THE LAW OF THE LAND

On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years.

It is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars, hookah and e-cigarettes – to anyone under 21.

The Federal Food and Drug Administration (FDA) will oversee federal enforcement of the minimum legal sales age of 21. Retailers can visit FDA website for guidance at www.fda.gov/tobacco-products

- And click on Compliance, Enforcement & Training for general information
- Then click on Retailer Education Materials for the “This is Our Watch” program
- A full toolkit of *This is Our Watch* resources is available to retailers—including posters, stickers, age verification tools, and more—to help retailers better comply with federal tobacco regulations

MICHIGAN YOUTH TOBACCO ACT (YTA)

YTA signs will reflect the current age of tobacco sales in Michigan, which is age 18. However, birthdate signs have been updated to comply with the federal tobacco 21 age. YTA and Birthdate Signs are located at MDHHS Health Promotions Clearinghouse www.healthymichigan.com

	Sell tobacco to someone under 18 years old	Sell tobacco to someone 18-20 years old
Federal Law	Violation of Federal Law (owner will receive fine)	Violation of Federal Law (owner will receive fine)
State Law	Violation of State Law (clerk will receive fine)	Currently, State Law does not address this age group

Retailer Education Checklist

- Post the "notice" of Michigan tobacco laws, and a sign stating that this store does not sell tobacco products to anyone less than 21 years of age.
- Train and continue to remind employees that it is against the federal law and company policy to sell tobacco products to youth under the age of 21.
- Require all employees to ask for an acceptable form of ID from anyone purchasing tobacco products that appears to be under the age of 30.
- Require employees to accept only forms of ID that are government issued, and contain the person's birth date and picture. Examples are driver's license, a government issued identification card, military ID, and a passport.
- Require employees to use the store's ID scanner for every tobacco product purchase.
- Develop store policies for selling age specific products and have every employee read and sign those policies before they start selling tobacco products.

TOBACCO SELLER'S CHEAT SHEET

LAWS

- It is against the federal law for **YOU** to sell tobacco to anyone under the age of 21.
- The criminal fine is \$50 when **YOU** are caught selling tobacco products to someone under the age of 21.
- **YOU**, the seller, are always the one who is fined.
- If **YOU** don't follow the law and your company policy, **YOU** will be **FINED**.

SIGNS

Signs reminding **YOU** and minors that it is **ILLEGAL** to sell tobacco products to anyone under 18, must be posted near the cash register.

TOBACCO PRODUCTS INCLUDE:

- Cigarettes
- Cigars
- Smokeless Tobacco
- Loose Pipe Tobacco
- ENDS

MINOR

- Anyone born **AFTER** today's date in the year on the date sign or sticker near your register is under 21.
- **YOU** check the identification of anyone that appears to be under 30 or in compliance with the store policy.

IDENTIFICATION

- Must be government issued, contain a picture, and a birthdate
- State Driver's License
- State Identification Card
- Military ID
- Passport

YOU VERIFY THE IDENTIFICATION

- Hold it in **YOUR** hand
- **YOU** should examine the picture and information
- **YOU** should "**READ THE RED**" on the vertical license
- **YOU** can ask questions
- **YOU** can use an ID scanner
- **YOU** should know what the security features are
- **YOU** can use a black light to check security features
- **YOU** do the math – don't sell to anyone born **AFTER** today's date in the year on the sign or **YOU** pay the fine

"LOOSIES"

YOU are prohibited from selling single cigarettes unless you work in a tobacco specialty store or **YOU** will pay a fine!

ANGRY CUSTOMER?

- **YOU** keep your **COOL**
- **YOU** state the law and store policy
- **YOU** call the manager

REMEMBER....

YOU ask for ID from **ANYONE** you think is under 30 or in compliance with the business policy.

Under 21 or no ID, **YOU** don't sell tobacco to them

YOU tell them:

- **"SORRY, I CAN'T SELL TO YOU"**
- **"IT'S THE LAW"**
- **"I CAN BE FINED"**
- **"IT'S MY COMPANY POLICY"**
- **"I COULD BE FIRED"**

It's not just the law; it's the RIGHT thing for YOU to do!

An estimated 5 million children who are living today will die prematurely because they began smoking cigarettes as teens.

Smoking is addictive ... it causes lung disease, cancer and premature death.

Want to really help?

Recommend the Michigan TOBACCO QUITLINE at 1-800-QUIT NOW or Text "Start My Quit" to 855-891-9989 or call to talk with a My Life, My Quit coach

SAMPLE MICHIGAN RETAILER PRE-EMPLOYMENT TOBACCO TEST

1. List four acceptable forms of valid identification:

- a. _____
- b. _____
- c. _____
- d. _____

2. List five things you should review when examining identification cards:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

3. List four products that can't be sold to minors:

- a. _____
- b. _____
- c. _____
- d. _____

4. If a customer is unable to produce a valid photo ID, you must do what?

5. If the ID card is expired but the customer clearly appears to be over age 21, it is okay to make the sale. True False

6. If a customer has forgotten to bring an ID but promises to come back later with a driver's license, it is okay to make the sale. True False

7. It's okay to sell to a minor who is buying for a parent whom you know and see outside your store. True False

8. What color indicates underage on ID cards? _____

9. You should refuse to sell tobacco to an adult that you suspect is purchasing for a minor. True False

Employee Signature

Date

Store Manager Signature

Date

SAMPLE MICHIGAN RETAILER PRE-EMPLOYMENT TOBACCO TEST ANSWER KEY

1. List four acceptable forms of valid identification. Answer: Driver's License, State-issued ID, Military ID, and US Passport
2. List five things you should review when examining identification cards. Answer: Photo, Expiration Date, Date of Birth, Description, and Agency that Issued the Card
3. List four products that can't be sold to minors. Answer: Cigars, Cigarettes, Smokeless Tobacco, and Non-Cigarette Tobacco
4. If a customer is unable to produce a valid photo ID, you must do what? Answer: Deny the sale.
5. If the ID card is expired but the customer clearly appears to be over age 21, it is okay to make the sale. Answer: False
6. If a customer has forgotten to bring an ID but promises to come back later with a driver's license, it is okay to make the sale. Answer: False
7. It's okay to sell to a minor who is buying for a parent whom you know and see outside your store. Answer: False
8. What color indicates underage on ID cards? Answer: Red
9. You should refuse to sell tobacco to an adult that you suspect is purchasing for a minor. Answer: True



If it's VERTICAL ~
READ the RED!!!!



No More Calculating Ages!

Printed in red on the vertical license are the dates when the card owner will be 18 and 21 years of age. Remember to **"READ THE RED"**, and no calculating will be needed.



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This reminder to “**Read the Red**” has been put together by
Tobacco Free Montcalm and
The Montcalm Coalition to Prevent Underage Drinking,
both partners, along with the
Medication Disposal Coalition of Montcalm County
in *Drug Free Montcalm*.

For more information contact Amy Buckingham at 989-831-4591,
AmyBuckingham@CherryHealth.com
or PO Box 836, 129 E. Main, Stanton MI 48888.

The information on the Vertical License was taken from the
State of Michigan website at www.michigan.gov.

Selling alcohol or tobacco to minors may result in fines,
the loss of the business license to sell alcohol, and/or *YOUR JOB!*
Your business owner wants you to check ID!

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2019 NATIONAL YOUTH TOBACCO SURVEY

SHOWS
YOUTH e-cigarette use at ALARMING LEVELS

OVER 5 Million
 youth are currently using e-cigarettes



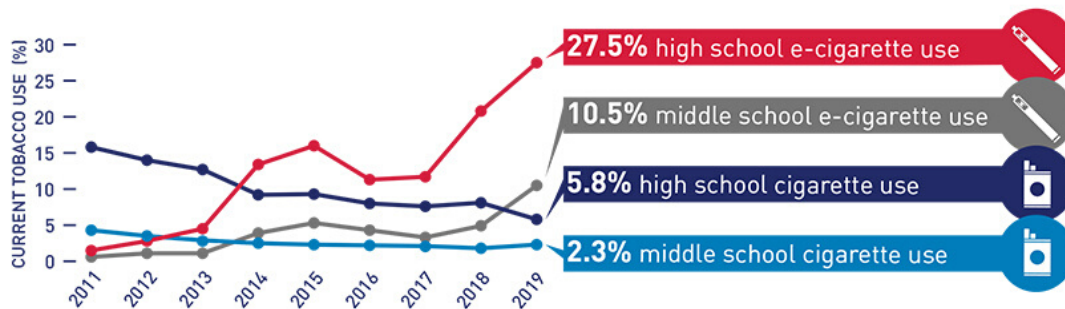
NEARLY 1 Million
 used the product daily



MAJORITY of the current e-cigarette users reported



Current e-cigarette use has **INCREASED DRAMATICALLY**, while current cigarette use has dropped, **UNDERMINING PROGRESS** toward reducing overall tobacco use



Why is this concerning?

The use of e-cigarettes, particularly those with high levels of nicotine, places youth at risk for developing nicotine addiction. Nicotine exposure during adolescence could harm brain development. Additionally, youth who use e-cigarettes are more likely to start smoking cigarettes. Further, e-cigarette aerosol may expose users to other harmful substances such as heavy metals, volatile organic compounds, and ultrafine particles that could harm the lungs.

CENTER FOR TOBACCO PRODUCTS

Source: 1) Cullen KA, Gentzke AS, Sawday MD, et al. E-cigarette Use Among Youth in the United States, 2019. JAMA. 2019; 2) Gentzke AS, Creamer M, Cullen KA, et al. Vital Signs: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018. MMWR Morb Mortal Wkly Rep 2019.

Note: All numbers presented here are estimates.

CTP-136

www.fda.gov/tobacco



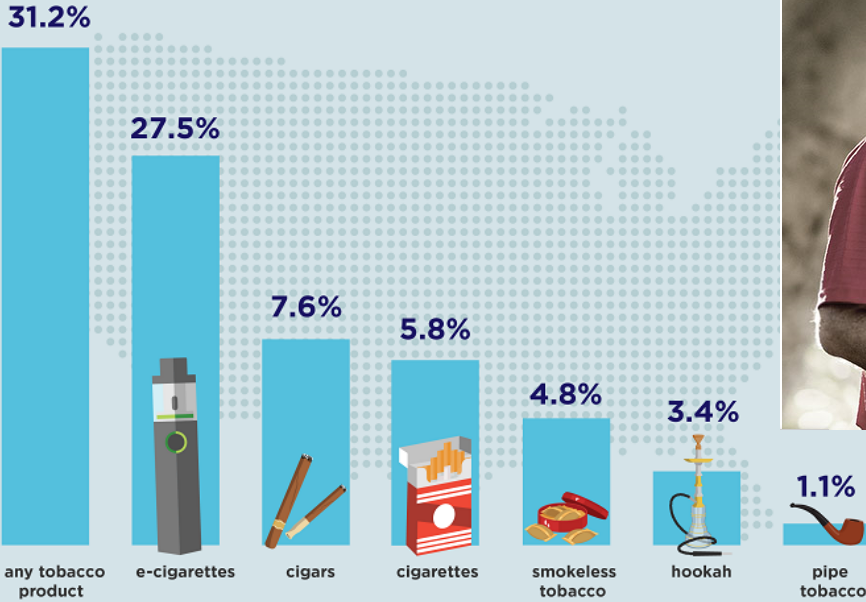
@FDATobacco



facebook.com/fda



TOBACCO PRODUCT USE AMONG HIGH SCHOOL STUDENTS



Learn more at bit.ly/NYTS-2019

Source: National Youth Tobacco Survey, 2019



Each day, nearly 3,300 youth under the age of 18 try their 1st cigarette.

Learn the facts about the dangers of tobacco use at teen.smokefree.gov.

Source: CDC.gov

A Dangerous Trend – Smokeless Tobacco Use Among High School Athletes

Past 30-day use of combustible tobacco products dropped from 2001 to 2013 among all high school students (31.5% to 19.5%), while past 30-day use of smokeless tobacco remained unchanged among non-athletes (5.9%), and increased among athletes (10.0% to 11.1%).

Smokeless tobacco is NOT without risk

SMOKELESS TOBACCO USE CAN...

- Lead to nicotine addiction
- Cause cancer of the mouth, esophagus and pancreas
- Cause diseases of the mouth
- Increase the risk for death from heart disease and stroke



The younger they start, the longer they could smoke.

Limit Youth Access to Tobacco.

FACT: 3 OUT OF 4 TEEN SMOKERS BECOME ADULT SMOKERS.

Help your kids make this a smoke-free school year.

Source: SurgeonGeneral.gov

**Your Birthdate Must Be
On Or Before This Date In**

1999

To Purchase

**TOBACCO, VAPOR PRODUCTS &
ALTERNATIVE NICOTINE PRODUCTS**

————— AND —————

**Your Birthdate Must Be
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1999

To Purchase

ALCOHOL

Expires 12/31/2020

Additional copies can be downloaded from www.healthymichigan.com

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State and Federal funds were used in support of the project.

Additional Resources

- **My Life, My Quit Website** - <https://mylifemyquit.com/>
- **Quit Tobacco Tools & Resources** - https://www.michigan.gov/mdhhs/0,5885,7-339-71550_2955_2973_53244---,00.html
- **MDHHS Tobacco Information** - https://www.michigan.gov/mdhhs/0,5885,7-339-71550_2955_2973---,00.html
- **Contact the MDHHS Tobacco Section** - https://www.michigan.gov/mdhhs/0,5885,7-339-71550_2955_2973-416978--,00.html
- **MDHHS E-Cigarette Information** - https://www.michigan.gov/mdhhs/0,5885,7-339-71550_2955_2973_94238---,00.html
- **Statistics About Tobacco in Michigan** - https://www.michigan.gov/mdhhs/0,5885,7-339-71550_2955_2973-340370--,00.html
- **Retail Sales of Tobacco Products FDA Website** - <https://www.fda.gov/tobacco-products/compliance-enforcement-training/retail-sales-tobacco-products>

SAFE in Northern Michigan

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