

ATTENTION

ATTENTION: TOBACCO RETAILERS

In accordance with the Major Provisions of Act 112 of 2002:

Enforcement Authorities

The following entities now have the authority to enforce provisions of Act 112: Department of Health, Single County Authorities, Primary Contractors under Act 77 and County and Municipal Health Departments.

Compliance Checks

Youths ages 14 to 17 are now authorized to participate in compliance checks. Compliance checks will occur no more than once every 30 days. There is no prohibition on law enforcement.

Tobacco Sales

The placement of vending machines in areas accessible to minors, with "accessible" meaning "any place where a minor can gain access without the supervision of a parent or guardian", is prohibited.

Displaying or offering a cigarette for sale out of a pack of cigarettes is prohibited.

Fines

Previous fines for seller tobacco products to minors ranged from \$25.00 to \$300.00.

The new fine structure is as follows:

for Individual Clerks

1st offense	\$100-\$250
2nd offense	\$250-\$500
3rd and subsequent offenses	\$500-\$1000

for Retailers

1st offense	\$100-\$500
2nd offense	\$500-\$1000
3rd offense	\$1000-\$3000 & 30 Day License Suspension
4th offense	\$3000-\$5000 & 60 Day License Revocation

Affirmative Defense

Retailers may use an affirmative defense 3 times in a 24 month period. Retailers should adopt and implement a written policy against selling tobacco products to minors which includes:

- A requirement that an employee ask any individual who appears to be 25 years of age or younger for a valid photo ID;
- A list of all types of acceptable photo identification; a list of factors to be examined in the photo ID including photo likeness, birth date, expiration date, bumps, tears or other damage and signature;
- A requirement that if the photo ID is missing any of the items listed, it is not valid and cannot be accepted. A second photo identification may be required to make the sale of tobacco products with questions referred to the manager;
- A disciplinary policy which includes employee counseling and suspension for failure to require valid photo ID and dismissal for repeat improper sales.

Retailers are also responsible:

- to inform all employees selling tobacco products of the applicable Federal and State laws regarding the sale of tobacco products to minors through an established training program;
- for the document of all employee training;
- that all trained employees selling tobacco products verify that the purchaser is at least 18 years of age;
- for conspicuously posting a notice that selling tobacco products to a minor is illegal, that the purchase of tobacco products by a minor is illegal and that a violator is subject to penalties;
- for the establishment and implementation of disciplinary sanctions for noncompliance with the policy.

Youth Penalties (for the purchase or attempt to purchase a tobacco product)

Youth under age 18 who purchase or attempt to purchase tobacco are subject to:

- Up to 75 hours of community service and/or
- Completion of a tobacco prevention and cessation program approved by the Department of Health and/or
- A fine up to \$200 and/or
- 30 day suspension of driver's license