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# Toolkit for Responsible Tobacco Retailers

British Columbia



Canada

The Government of Canada's Federal Tobacco Control Strategy (FTCS) is championed by many parties working collaboratively towards reducing, possibly eliminating, tobacco use. Health Canada's *Tobacco Control Program* (TCP) plays a leadership role in implementing the Strategy.

The *Tobacco Control Program* is responsible for the administration and enforcement of the *Tobacco Act* (1997) as well as developing the policies and programs needed to support the objectives of the FTCS.

***Health Canada is the federal department responsible for helping the people of Canada maintain and improve their health. We assess the safety of drugs and many consumer products, help improve the safety of food, and provide information to Canadians to help them make healthy decisions. We provide health services to First Nations people and to Inuit communities. We work with the provinces to ensure our health care system serves the needs of Canadians.***

Published by authority of the Minister of Health.

*Toolkit for Responsible Tobacco Retailers – British Columbia*  
is available on Internet at the following address:  
<http://www.healthcanada.gc.ca/bc-retailers>

Également disponible en français sous le titre :  
*Trousse des détaillants de tabac responsables – Colombie-Britannique*

For further information or to obtain additional copies, please contact:

Department of Compliance and Enforcement  
Tobacco Control Program  
Email: [bc.tcp@hc-sc.gc.ca](mailto:bc.tcp@hc-sc.gc.ca)  
Phone: 604-666-3350 / 1-866-318-1116

Provincial: <http://www.health.gov.bc.ca/tobacco/>  
Federal: <http://www.gosmokefree.ca>

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# Letter to Retailers

Dear Retailer,

Tobacco use is the leading cause of preventable illness and premature death in Canada – it is a major contributing factor to a number of chronic diseases and deaths.

As responsible citizens, each of us should be concerned with the well-being of the youth in our neighbourhoods, in our community, in our society. It is up to each of us to help keep harmful substances out of the hands of minors.

As a tobacco retail operator, you have a unique opportunity to protect those under the age of 19 from the serious consequences of tobacco use. You understand that there are laws against selling tobacco and all associated products to minors and by familiarizing yourself and your staff with the rules and regulations of tobacco control, you will be equipped with an answer for most situations.

The sale of tobacco products is regulated both by the Provincial *Tobacco Control Act* and by the Federal *Tobacco Act*. **Education is key** - the regulators of tobacco sales are committed to ensuring retailers in this province are equipped with the information that they need. Within this toolkit, you will find information about your responsibility as a seller of a controlled substance, about how to protect youth, and, of course, about how to protect yourself and your license.

With this information, you should:

1. Develop policies surrounding the sale of tobacco in your store and the procedures necessary to ensure you and your employees stay within the law;
2. Train all staff members immediately upon hiring them. Whether they are new to retail outlets or not, training them yourself will give you peace of mind knowing that they are well versed in the sale of tobacco and associated products;
3. Monitor your employees as an on-going routine in your store to be certain they are following the law, as well as your policies and procedures.

This toolkit provides you with a detailed overview of the laws that protect those under 19 from access to tobacco products. You are legally bound to see that everyone who works in your establishment fully complies.

For further information or for answers to your questions, please feel free to contact your Provincial Tobacco Enforcement Office:

<b>Vancouver Island Health Authority:</b>	250-360-1450
<b>Vancouver Coastal Health Authority:</b>	604-675-3800
<b>Fraser Health Authority:</b>	604-476-7000
<b>Interior Health Authority:</b>	250-862-4200
<b>Northern Health Authority:</b>	250-565-2649

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# Being Informed

## Section

### About the Responsibility You Have Accepted

#### Overview

As an owner/operator of a retail establishment that sells tobacco products, one of your responsibilities is to stay current with changes to the legislation surrounding this subject in your province.

The following information provides you with some facts you will need to consider as you begin to create your own company policies and procedures. These policies and procedures will protect the youth in your community from access to tobacco products, and at the same time will guide you and your employees through the correct ways to sell tobacco products.

#### Retail Sales Highlights

There are many products on the market these days and, as a retailer, you must understand exactly what are considered tobacco products. Further, you need to know which actions you or an employee might take that could have you, as owner/operator, held responsible for the sale of tobacco products to those under the age of 19.

#### Legal ID

Not all identification is acceptable for use in the purchase of tobacco products. Having the proper information and keeping your employees informed is a sure way to be sure that you are abiding by the laws.

#### Retailer Penalties in BC

In addition, you need to understand the severity of the penalties handed down for breaking the law.

#### Questions Asked by Retailers

Also included is a list of questions most frequently asked by retailers and the answers as they pertain to BC.

With a full understanding of this information, you will value how careful you must be in your management of the sale of tobacco products.

## Definitions of Federal and Provincial Tobacco Legislation in BC

### Tobacco Products:

Tobacco Products are composed in whole or in part of tobacco. Some tobacco products are:

- cigarettes
- loose tobacco
- little cigars
- bidis
- leaves
- tubes
- blunt wraps
- snuff
- cigars
- kreteks
- chewing tobacco
- pipe tobacco
- cigarette papers
- filters

### Tobacco Accessories:

- pipes
- lighters
- cigarette holders
- matches
- cigar clips

### Furnish:

To sell, lend, assign, give, send with or without consideration, or to barter or deposit with another person for performance of a service. This can (but does not have to) include an exchange of money.

Again, in all cases it is illegal to furnish tobacco to a person under the age of 19.

### Other Restrictions:

- Retailers must post signs that inform the public that selling or giving of a tobacco product to a young person is prohibited by law, or that contain a prescribed health message.
- Retailers may not sell a tobacco product by means of a display that permits a person to handle the tobacco product before paying for it.
- Tobacco products or tobacco product-related brand elements may not be promoted, except as authorized by the *Tobacco Act* or its regulations.

# Being Informed

## Retail Sales Highlights of Federal and Provincial Tobacco Legislation in BC (How are Youth Protected)

The following section lists how youth are protected from the sale of tobacco products and tobacco accessories:

- It is illegal to provide tobacco to anyone under 19;
- Tobacco products may not be furnished to a young person in a public place;
- In a retail establishment where minors have access, tobacco products and promotional items cannot be displayed;
- Where minors can enter a store, tobacco displays must be hidden from view between every sales transaction;
- In an age-restricted establishment, tobacco products may be displayed provided they are not visible outside;
- Tobacco products cannot be sold in public sector buildings such as health, hospital, government, recreational;
- All tobacco retailers must prevent minors from seeing and accessing their tobacco products and promotional items. There are no exceptions;
- It is illegal to sell cigarettes, little cigars and/or blunt wraps in packages of less than 20;
- It is illegal to sell cigarettes, little cigars and/or blunt wraps with additives that have flavouring properties or are used to enhance flavouring (excluding menthol).



## Retail Sales Highlights of Federal and Provincial Tobacco Legislation in BC

Thinking someone looks older than they actually are is not a legitimate excuse to sell them tobacco products.

***Retailers must post signs wherever tobacco products are sold or displayed.***

**Federal signs** are required for retailers who only sell cigarette papers, tubes and/or filters because they are defined as tobacco products under the Federal *Tobacco Act*.

***Signs directed under Provincial legislation are mandatory.***

Signs must be placed where customers can see them and they must not be hidden from view. If further information about signs is required, please contact your local **Tobacco Enforcement Officer**.

***It is illegal to sell single cigarettes, little cigars and/or blunt wraps.***

It is against the law to sell single cigarettes, little cigars and/or blunt wraps. They must be sold in their original package of 20 or more.

***Self-service tobacco displays are illegal.***

Under no circumstances can customers handle tobacco products before they pay for them.

***Countertop tobacco displays must be locked and tobacco promotion must not be visible.***

***Vending machines selling tobacco products are illegal in most public places.***

Vending machines selling tobacco products are only allowed in places not accessible or visible to persons under age 19. (e.g., In bars, taverns, beverage rooms or similar places). They must have a prescribed security mechanism.

***The sale of tobacco products is prohibited in certain locations.***

Tobacco products cannot be sold in public sector buildings such as health, hospital, government, and recreational.



# Being Informed

## Legal Identification (ID)

A good approach is for you to develop a policy which directs your employees to ask to see valid identification when a person who is requesting to purchase tobacco products looks under 25 years of age.

Remember, thinking someone looks older than they are is not a legitimate excuse to sell them tobacco products. Always check for a valid identification.

Federal and Provincial tobacco legislation in BC states that only the following pieces of government issued identification or documentation are acceptable to prove a person's age:

- Driver's Licence
- Canadian Passport
- Government-issued Certification of Canadian Citizenship (with photograph)
- Canadian Permanent Resident document
- Canadian Armed Forces (Canadian Forces) identification card
- Certificate of Indian Status card (with photograph)
- Other documentation from a Federal or Provincial authority or a foreign government. An example may be a government-issued voluntary ID card.

***STUDENT CARDS ARE NOT ACCEPTABLE AS PROOF OF AGE FOR TOBACCO PURCHASES***



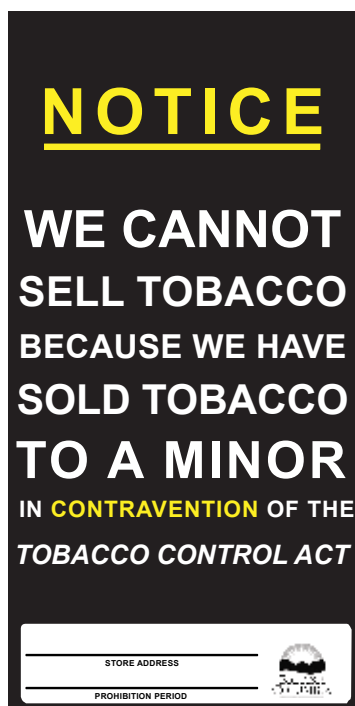
# Being Informed

## Retailer Penalties in BC

Any retailer who sells or gives tobacco products to anyone under 19 years of age is guilty of an offence and is liable for monetary fines and possibly prohibitions on conducting sales – increasing with each offence. For more details, please go to <http://www.health.gov.bc.ca/tobacco/violations.html>

Fine Amounts for Contraventions of the *Tobacco Control Act* / Regulation as provided under the Violation Ticket Administration.

Number of offences	Fine amount	Prohibited from selling tobacco for
1 <sup>st</sup> offence	\$575	n/a
2 <sup>nd</sup> offence	\$575	6 months
3 <sup>rd</sup> offence	\$575	12 months



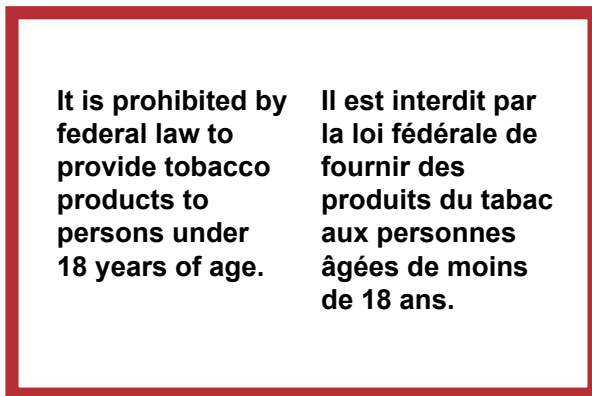
Sample Prohibition sign (suspension sign)

## Federal Sign

The *Tobacco Act* requires the sign below to be posted wherever tobacco products are sold or displayed, if provincial signs are not required (e.g., if a retailer only sells cigarette papers, tubes and/or filters).

The sign must be placed where customers can see it.

- No part of the sign can be hidden from view (e.g., the French side of the sign cannot be cut off or hidden).
- A Federal sign must be posted at every point of sale within your store, where tobacco products are furnished.



If you need more signs, please contact a Tobacco Enforcement Specialist at 604-666-3350 or [bc.tcp@hc-sc.gc.ca](mailto:bc.tcp@hc-sc.gc.ca)

# Being Informed

## Provincial Signs

Provincial law requires that the following point of sale signs be posted where tobacco is sold.

These signs are produced by the BC Ministry of Health and MUST be posted as described:

These signs must be clearly visible and not covered by other signs or product.

It is the retailer's responsibility to ensure these signs are in place.

If you require additional signs, please contact your local **Health Authority Office**.

Two decals for the cash register or drawer. One facing the customer and one facing the cashier.

A Health Warning sign displayed so customers can clearly see it when they purchase tobacco. This is one example.



## Questions Asked by Retailers

### *What kind of tobacco signs can I post in my store?*

There are only two types of tobacco signs allowed by regulation in a store: point-of-sale signs and product-price signs.

#### **Point-of-sale signs**

These signs are produced by the BC Ministry of Health and must be posted as described in the regulation. They include 1) two decals for the cash register or drawer - one facing the customer and the other facing the clerk, and 2) a warning sign to be displayed so the customer can clearly see it when they purchase their tobacco product. These signs can be obtained from your local health authority.

#### **Product-price signs**

A maximum of three signs per store are allowed to describe the tobacco products available and their price. These signs are restricted in their content, dimensions, colour and print size, and can be produced by the retailer. They may be viewed from inside or outside of the store. See section 4.32 of the Tobacco Control Regulation on the Tobacco Control web site for more details. [www.health.gov.bc.ca/tobacco](http://www.health.gov.bc.ca/tobacco)

### *What signs do I have to post?*

1. Provincial Health Warning Signs must be in plain view to the purchaser at the point of sale.
2. Federal Age Warning Signs where provincial signs are not required.
3. Suspension Signs: When the retailer has been suspended as a result of *Tobacco Control Act* convictions, this sign must remain posted for the entire suspension period. If a retailer has been suspended, store patrons will know that the retailer has been convicted of selling to minors. Potential customers will also be notified because suspension information must be published.

### *What if I choose not to display these signs?*

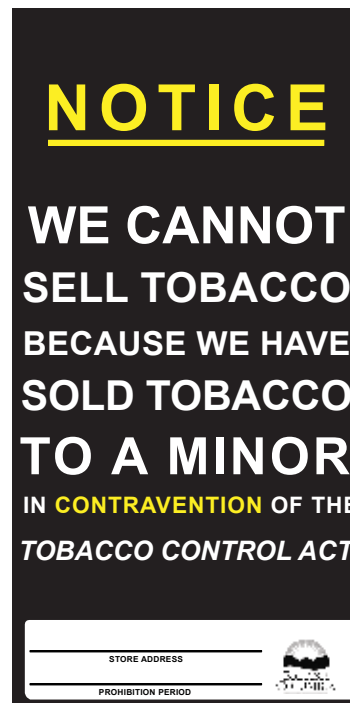
All tobacco retailers are required by law to display these signs. You may be fined if you do not. Repeated offences may result in suspension or cancellation of your Tobacco Retail Authorization (TRA) license.

### *What if someone defaces or steals a sign?*

Contact your Tobacco Enforcement Officer if there are problems with your signs. It is your responsibility to maintain the signs, ensuring they are visible and readable in your store at all times. Since a defaced sign means you are not complying with the law, you must take all reasonable steps and measures to ensure that the signs are intact and visible.

### *What are the fines and penalties?*

See page 6.



Sample Prohibition sign  
(suspension sign)

# Being Informed

## Questions Asked by Retailers (*continued*)

### ***I know there are Federal and Provincial laws about the selling of tobacco. Which laws do I follow?***

You must follow both laws. Federal legislation sets a standard for tobacco control across the country and provinces can make additional legislation applicable in that province only. Generally, by following the stricter standard, you should be in compliance with both laws.

### ***Do I need to ask for proof of age before selling tobacco products?***

Yes. It is strongly suggested that you ask for proof of age if the customer appears to be under 25 years old. It is up to the retailer to determine this number. In some cases, retailers have increased this to 30 and as high as 40. It is your decision. Only government-issued photo identification is acceptable. Student cards are not acceptable forms of identification.

### ***Can I sell tobacco to someone under 19 if they give me a note from a parent?***

No! It is against the law to sell to people under 19 no matter what the reason. A note, telephone call, verbal consent from a parent, guardian or friend is not acceptable. You can be charged and convicted even if the parent agrees to the sale. No one can give you permission to break the law.

### ***What if a younger person sends in an older person to buy cigarettes for them?***

The older person is breaking the law and is subject to a fine. You should tell the adult this, and refuse to make the sale. If they persist, you should advise the local authorities.

### ***Why should I go to all this trouble when it just upsets my customers?***

You should abide by the laws in your province and be aware that there are heavy fines and penalties, including losing your tobacco vendor's TRA for not doing so. Along with your TRA to sell tobacco comes the responsibility to keep tobacco products out of the hands of people under 19 years of age. Tobacco is an addictive drug, with dangerous health effects. Most people start smoking by age 16. Research shows that when strict laws about selling tobacco are actively enforced, fewer young people start to smoke.

You may wish to point out these facts to your customers. Consider using the *Customer Information Cards* included in this toolkit to help explain this to customers.

### ***Can I employ someone under the age of 19?***

Yes. In BC there is no provision under tobacco legislation that has to do with the age of people selling or handling tobacco products. Retailers can hire people under the age of 19 years to sell tobacco products; however, clerks cannot sell tobacco products to people under 19. It is recommended that retailers may want to provide extra training and monitoring due to the possibility of peer pressure from friends to allow the purchase.

### ***Do compliance officers have to show me a warrant before they enter my store?***

No. A Tobacco Enforcement Officer may enter your store without a warrant and inspect your premises. They may also check to make sure you are complying with the legislation. You and your employees must fully cooperate with the Tobacco Enforcement Officer.

## Protecting Yourself and Your Community's Youth

### Overview

It is a tobacco retailer's obligation to take every step within their power to prevent the sale of tobacco products to those under the age of 19. And when you are not on the retail outlet premises or otherwise busy, you must be able to trust your employees to carry out each tobacco sale according to the law. Much is at risk if they do not.

It is important to devise clear rules for your employees to follow. It is safe to say that most people find it more comfortable to know what is expected of them, how to carry out the tasks set before them, and how to handle the unexpected.

Well thought out policies and procedures on tobacco product sales help your staff members have a good understanding of Federal and Provincial laws (what is and what is not permitted) so that they can make the right decision each time.

By following the next three sections and using the tools provided within each section, you can decrease the chances of selling tobacco products to minors.

### Develop Policies and Procedures (Section 2)

Establish store policies and procedures about tobacco sales, including what will happen if people do not follow them. To be effective, these policies and procedures must be an important part of your day-to-day retail operations.

### Provide Training (Section 3)

Provide all employees with complete training about Federal and Provincial tobacco legislation as well as your store policies and procedures about tobacco sales. Train employees as soon as you hire them whether or not they have worked in another tobacco retail outlet, and, most importantly, train them before they sell tobacco products.

### On-Going Monitoring (Section 4)

Regularly monitor employees to make sure they are following both the laws and your store policies about tobacco sales.

# Being Informed

## Contact Information for BC

In BC, there are Federal and Provincial staff working to enforce tobacco regulations.

For questions concerning:

- this Toolkit
- tobacco control and its legislation and regulations

Please contact the Health Canada Tobacco Control Program:

**Phone:** 604-666-3350 / 1-866-318-1116  
**Email:** bc.tcp@hc-sc.gc.ca  
**Web site:** www.healthcanada.gc.ca/bc-retailers

If you need:

- information about signage
- to report a retailer for selling to minors

Please contact your Tobacco Enforcement Officer at your local Provincial Health Authority or visit their website:

<b>Vancouver Island Health Authority:</b>	250-360-1450
<b>Vancouver Coastal Health Authority:</b>	604-675-3800
<b>Fraser Health Authority:</b>	604-476-7000
<b>Interior Health Authority:</b>	250-862-4200
<b>Northern Health Authority:</b>	250-565-2649

<http://www.health.gov.bc.ca/tobacco/>

### *Want to Quit Smoking?*

[www.quitnow.ca](http://www.quitnow.ca)  
or call 1-877-455-2233  
(translation in over 130 languages)

# Developing Policies and Procedures

Section

# 2

## Introduction

Policies are courses of action adopted by a business, and procedures are the steps taken to bring that action to life.

As a retailer, you have many policies in place. One policy might be to make a final bank deposit every night before closing. How you handle your night deposits – the forms you fill out, the checks and balances, even the route to your bank might all be considered procedures.

Developing company Policies and Procedures on how to train and monitor staff on handling the sale of tobacco products are the most important decisions you will make.

The following sections provide retailers with guidelines:

- For developing clear policies and procedures to prevent the sale of tobacco to minors.
- For providing training to all employees who sell tobacco.
- For regularly monitoring to identify employees who may not be following store policies and procedures.
- And finally, it offers additional steps to take to ensure no one in your place of business sells a tobacco product to a minor.



## Policies and Procedures – 10 Easy Steps

Here are 10 easy steps to help you create policies and procedures for your business to prevent tobacco sales to minors.

1. Some retail centers have a policy or set guidelines where it states that you and all employees must ask for valid identification from any customer requesting tobacco that looks 25 or younger. Within this toolkit are a number of devices that will assist you in establishing the procedures to follow, from signage, to age signage stickers for quick calculations of the person's year of birth.
2. Provide training to all staff about Federal and Provincial tobacco legislation in BC and your store policies and procedures for tobacco sales. This is very important. Do not allow employees to sell tobacco products until they are trained fully by experienced staff. Review the training section of this toolkit for useful training tools and resources. Use the Employee Training for Tobacco Sales booklet included with this toolkit as the foundation for your training program.
3. Review the laws regarding tobacco sales with your employees to make sure they understand them and be very specific about the consequences for staff who do not follow store policy and the laws.
4. Expect your employees to understand your store policies and the Federal and Provincial laws. There is much to know and this matter cannot be taken lightly. Give them information from this toolkit to study and, after a set amount of time, give your staff members a short quiz to test their understanding. Test them again and again, until they fully understand the information. A sample *Tobacco Sales Exam* is included in this toolkit for this purpose or you may prefer to create your own. Again, this should be done before they are cleared to sell tobacco.  
  
*It is wise to offer your long-time employees refresher training. There may be changes to the laws since they were hired.*
5. Use the sample *Training Certificate* included once employees have completed your training program. Keep a copy of this certificate in the employee's personnel file. You may need to refer to it at a later time.
6. Your employees will understand the importance of the matter better if you have them sign an agreement stating that they are aware of and understand your store policies and the Federal and Provincial tobacco legislation. To keep the subject fresh, you might choose to review the signed agreement with each of your staff members quarterly. There is a sample *Employee Agreement* (page 20) included in the Retailer Toolkit for your use.

# Developing Policies and Procedures

## Policies and Procedures – 10 Easy Steps (*continued*)

7. Reinforce staff awareness of the tobacco legislation and store policies on a regular basis by holding staff meetings, and during your one-on-one staff reviews.
8. As with any infraction, it is good management to keep records of any action taken if an employee does not follow store policy. When it comes to an employee who does not follow the laws about tobacco sales, it is even a more serious matter and will reflect unfavourably on you as the owner/operator. Monitoring Forms are an important part of this toolkit.
9. Send out reminders to staff and hand out bulletins from government about tobacco legislation to help keep your employees informed. If your store has been warned about selling a tobacco product to someone under 19, make sure all employees see the warning. Employees should initial the warning and any other information distributed to show they have understood it. Keep these initialled government bulletins and other tobacco-related documents in a safe place.
10. Give young employees extra training and supervision to make sure they follow the legislation and store policies. Employees, who are students, may be pressured by their peers to sell them tobacco products illegally. Address the possibility of these situations occurring and review the suggestions for ways to say, “No”, which are found in the Employee Training for Tobacco Sales booklet.

***Encourage all staff to hand out Customer Information Cards to difficult customers.***

# Training Employees and Tools

Section

# 3

## Preparing Your Staff

With each new product or service your retail establishment offers, you must train your staff. And as you hire new employees, set aside time to teach them the various policies and procedures. Training staff on the best and most efficient methods of retail may be a time consuming duty of owner/operators.

For tobacco retailers, training for all staff members who sell tobacco is a serious responsibility.

Training is the only way to prevent tobacco sales to minors. It is the only way to ensure you and your business will not suffer the penalties levelled against tobacco retailers for breaking the law.

1. Become informed about the laws pertaining to selling tobacco. It is easiest to train others when you are an expert on the subject.
2. Provide your staff with the education they need to fully understand the requirements under Federal and Provincial tobacco legislation in BC including definitions, legal age, and the penalties they could cause to you and your store – the source of their own income.
3. Review the types of ID that are valid identification and accepted under the *Tobacco Act* and *Tobacco Control Act*.



# Training Employees and Tools

## Preparing Your Staff (*continued*)

4. Your staff members will look to you for guidance. Help them carry out their jobs by:
  - Showing them how to spot false IDs,
  - Reviewing ways for them to say “No” to anyone who does not produce valid ID while remaining polite to your valued customers,
  - Offering them tips on how to deal with troublesome customers, and
  - Having emergency policies and procedures in place if an employee feels threatened by an agitated person looking to purchase tobacco illegally.
5. Make training, updates, reviews, agreements and instructions about store policies and procedures for tobacco sales and the penalties for not following them, as part of your business routine.
6. Quiz your staff at regular intervals or when there is a change in the law. This will confirm your employees’ knowledge and understanding of Federal and Provincial tobacco legislation and store policies. It will give both you and your staff peace of mind.
7. Keep records of all one-on-one reviews with staff, including the date and details of the review, to ensure they understand the laws and store policies so there are no misunderstandings about tobacco sales.



# Training Employees and Tools

## Tobacco Sales Exam

1. Name five tobacco products. \_\_\_\_\_  
\_\_\_\_\_
2. When is it legal to sell or provide a tobacco product to a person in BC? \_\_\_\_\_  
\_\_\_\_\_
3. If a store only sells cigarette papers, tubes and/or filters, who can purchase these tobacco products? \_\_\_\_\_  
\_\_\_\_\_
4. What are the possible penalties for selling a tobacco product to someone who is under the age of 19? \_\_\_\_\_  
\_\_\_\_\_
5. When do you need to ask for ID? \_\_\_\_\_  
\_\_\_\_\_
6. What types of ID must you see as proof of age before making a tobacco sale? \_\_\_\_\_  
\_\_\_\_\_
7. When examining a piece of ID, what should you be looking for? \_\_\_\_\_  
\_\_\_\_\_
8. What action will be taken if an employee disobeys tobacco sale policies? \_\_\_\_\_  
\_\_\_\_\_
9. What is the only additive flavour that is allowed in tobacco products? \_\_\_\_\_  
\_\_\_\_\_
10. What is the minimum number of products in a package of cigarettes, little cigars and blunt wraps? \_\_\_\_\_  
\_\_\_\_\_

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Note: Please keep a copy of this form for your employee personnel files.*



# Training Employees and Tools

## Tobacco Sales Exam Answers

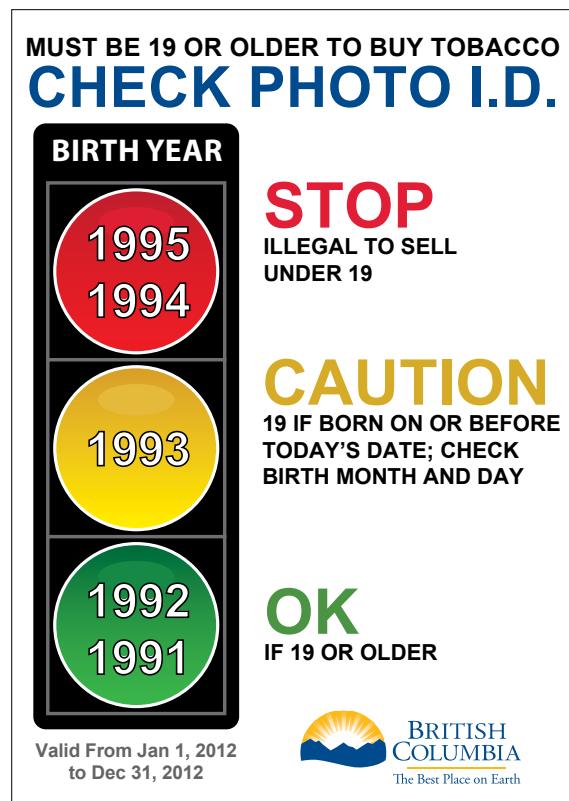
1. Name five tobacco products.  
*Any five of the following: cigarettes, snuff, loose tobacco, cigars, little cigars, bidis, kreteks, chewing tobacco, pipe tobacco, leaves, tubes, tobacco itself, cigarette papers, filters, blunt wraps*
2. When is it legal to sell or provide a tobacco product to a person in BC?  
*It is only legal when they are 19 years of age or older.*
3. If a store only sells cigarette papers, tubes and/or filters, who can purchase these tobacco products?  
*Under the Federal Tobacco Act, customers who are 18 years old or older can buy cigarette papers, tubes and/or filters.*
4. What are the possible penalties for selling a tobacco product to someone who is under the age of 19?  
*Heavy fines and possible suspension or loss of license.*
5. When do you need to ask for ID?  
*When a customer appearing 25 years of age or under wants to purchase a tobacco product.*
6. What types of ID must you see as proof of age before making a tobacco sale?  
*Driver's Licence, Canadian Passport, Government-issued Certification of Canadian Citizenship (with photograph), Canadian Permanent Resident document, Canadian Armed Forces (Canadian Forces) identification card, Certificate of Indian Status card (with photograph), other documentation from a Federal or Provincial authority or a foreign government.*
7. When examining a piece of ID, what should you be looking for?
  - *Verify that the ID is a type required by law*
  - *The date of birth – verify the person's age (use the provincial age stickers as a guide)*
  - *The picture – ensure the picture on the ID is the same as the customer*
  - *Signature*
  - *Look for anything that may indicate that the ID is fake*
8. What action will be taken if an employee disobeys tobacco sale policies?  
*(This answer will vary from retailer to retailer).*
9. What is the only additive flavour that is allowed in tobacco products?  
*Menthol*
10. What is the minimum number of products in a package of cigarettes, little cigars and blunt wraps?  
*20*



## Training Employees and Tools

### Problems with IDs

Calculating the age of a customer from the date of birth can be confusing. Use provincial age-stickers to figure out if a customer is 19 or over. Do not forget to change the stickers each year as required.



Sample of provincial age stickers

Keep an eye out for altered identification. Younger customers may try to change their IDs to appear older.

#### *Here are some ways to spot altered IDs:*

- Has the ID been changed in any way?
- Have the dates been altered in any way?
- Look closely at the typeface on the dates – is it the same as the rest of the card?
- Has the surface been scratched so you cannot read the dates?
- Have the corners been peeled back?
- Run your finger across the surface of the card – has it been scratched near the birth date?
- Can you feel a break in the surface that would show something has been inserted into the card – has a new date been inserted into the card?
- Check the picture – does the person in front of you look like the person in the picture?



# Training Employees and Tools

## Employee Agreement

Please initial in the box beside each paragraph to show that you fully understand the requirements of the Federal and Provincial tobacco legislation and store policy.

1. **A TOBACCO PRODUCT INCLUDES:**

cigarettes, snuff, loose tobacco, cigars, little cigars, bidis, kreteks, chewing tobacco, pipe tobacco, leaves, tubes, tobacco itself, cigarette papers, filters, blunt wraps

2. IT IS **ILLEGAL TO SELL OR PROVIDE (FURNISH) TOBACCO PRODUCTS TO ANYONE UNDER 19 YEARS OF AGE.**

3. I UNDERSTAND AND WILL FOLLOW STORE POLICY TO REQUEST I.D. FROM **ANYONE APPEARING \_\_\_\_\_ YEARS OF AGE OR UNDER.**

4. I UNDERSTAND THAT THE **ONLY ACCEPTABLE I.D. IS GOVERNMENT PHOTO I.D. AS DEFINED IN THE FEDERAL AND PROVINCIAL TOBACCO LEGISLATION.**

I, \_\_\_\_\_, have read and understand the requirements of Federal and Provincial tobacco legislation and store policy regarding tobacco sales.

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Employer/Trainer Signature:** \_\_\_\_\_

*Note: Please keep a copy of this form for your employee personnel files.*





# Training Employees and Tools

## Training Certificate

This is to certify that I, \_\_\_\_\_  
(Name of Employer)

of \_\_\_\_\_  
(Name of Retail Outlet)

have provided tobacco sales training to \_\_\_\_\_  
(Name of Employee)

This employee has demonstrated knowledge of laws and policies to prevent the sale of tobacco products to people under 19 years of age.

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Trainer Signature:** \_\_\_\_\_

**Employer/Manager Signature:** \_\_\_\_\_

*Note: Please keep a copy of this form for your employee personnel files.*



# Training Employees and Tools

## Customer Information Cards

<p><b>Customer Information - British Columbia</b></p> <p>Please accept our apologies if we've offended you. According to store policy we must ask for ID from anyone purchasing tobacco who appears 25 years of age or under. We can be fined or lose our licence for selling to someone under 19 years of age. My manager would be pleased to discuss this with you further or you may call your Provincial Tobacco Enforcement Officer.</p> <p><b>Health Canada – Tobacco Control Program</b>      <b>604-666-3350</b>  Vancouver Island Health Authority      250-360-1450  Vancouver Coastal Health Authority      604-675-3800  Fraser Health Authority      604-476-7000  Interior Health Authority      250-862-4200  Northern Health Authority      250-565-2649</p>	<p><b>Customer Information - British Columbia</b></p> <p>Please accept our apologies if we've offended you. According to store policy we must ask for ID from anyone purchasing tobacco who appears 25 years of age or under. We can be fined or lose our licence for selling to someone under 19 years of age. My manager would be pleased to discuss this with you further or you may call your Provincial Tobacco Enforcement Officer.</p> <p><b>Health Canada – Tobacco Control Program</b>      <b>604-666-3350</b>  Vancouver Island Health Authority      250-360-1450  Vancouver Coastal Health Authority      604-675-3800  Fraser Health Authority      604-476-7000  Interior Health Authority      250-862-4200  Northern Health Authority      250-565-2649</p>
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# On-Going Monitoring Tools

## Section

# 4

### Monitoring Your Staff Members

It is in your own best interest as a tobacco retailer to monitor your employees' actions. The laws are very specific and you have much to lose if they are broken. By monitoring them, you can identify staff members who are not following store policies or the laws under Federal and Provincial tobacco legislation. You will choose the methods that are best suited to you and the consequences in keeping with your own policy on the matter but the following outline a number of methods that other owner/operators have found effective.

1. Supervise employees and record staff performance on an on-going basis.
2. Review store videos to watch staff as they sell, or are asked to sell, tobacco products. Check videos taken at times when there are many young customers in the store. Keep a record of all these activities and the results. Refer to pages 25-26 for a sample of a *Monitoring Form*.
3. Carry out compliance checks using test shoppers to make sure staff members are not selling to young people who are under 19 and that they are following your procedures for doing ID checks. Your test shoppers may or may not lie about their age if asked and should be prepared to show identification. Where identification is requested, the test shopper should observe if it is properly examined. Refer to page 27 for a sample of a *Compliance Check with Test Shopper Report*.
4. Complete the *Retailer Tobacco Sales Checklist* on a quarterly basis to confirm that steps have been taken in the areas of training, daily operations and monitoring. If you are ever warned about a tobacco sale to a minor from your premises, then you can refer to the Checklist and prove the steps you have taken as an employer to avoid just such a circumstance.



# On-Going Monitoring Tools

## Due Diligence

Owners or operators are responsible for the actions of their employees. They may be charged if an employee sells or provides a tobacco product to someone who is under 19 years of age.

It is important to record your policies and procedures, your signed staff agreements, tests, as well as signed government announcements and other notices.

“Due diligence” means doing everything reasonably possible to try to prevent such an offence from occurring.

The final decision about an owner or operator’s due diligence will be made in a court of law.



### Training Certificate

This is to certify that I, \_\_\_\_\_ (Name)

of \_\_\_\_\_

have provided tobacco sales training to \_\_\_\_\_ (Name)



# On-Going Monitoring Tools

## Monitoring Form Information Sheet

Using due diligence means doing everything reasonably possible to try to prevent a tobacco control legislation offence from occurring.

The final decision about due diligence will be made in a court of law.

How do YOU check your employees to be sure they do not sell tobacco products to anyone under 19 years of age? Keep track of your monitoring efforts using the simple form below or design a form that better suits your purposes.

By recording any corrective action taken helps to prove you are diligent.

This is a sample of how yours might look.

<b>Action Taken</b>	<b>Results</b>	<b>Date</b>	<b>Initials</b>
Reviewed store videos	All employees asked for ID	02/03/11	JR
Reviewed tobacco legislation with all employees	Clarified questions. All staff aware of the rules	04/06/11	JR
Supervised JD during sale to minor	ID requested. No sale.	06/09/11	JR
Sent in test shopper to check retailer's compliance as a whole	ID not requested.	10/10/11	KD
Reviewed the legislation and types of ID required with the employee	Clerk agrees to follow the rules	12/10/11	KD





# On-Going Monitoring Tools

## Compliance Check For Tobacco Retailer With Test Shopper Report

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Store & Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Employee (If no name tag is visible, provide a description): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did the clerk ask for age? ..... Yes  No

Did the clerk ask for valid photo ID? ..... Yes  No

Was the ID examined properly? ..... Yes  No

Did the clerk sell a tobacco product to the shopper? ..... Yes  No

Were the Federal and/or Provincial sign(s) posted and not hidden? ..... Yes  No

Other Comments or Observations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Test Shopper Name:** \_\_\_\_\_

**Age:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Owner/Manager Signature:** \_\_\_\_\_

*Note: Please keep a copy of this form for your employee personnel files.*



# On-Going Monitoring Tools

## Retailer Tobacco Sales Checklist

### Training

- Have all employees been trained fully about their responsibilities under the Federal and Provincial tobacco legislation and store policies? ..... Yes  No
- Did employee training include all of the following? ..... Yes  No
- that tobacco products cannot be sold to anyone under the age of 19;
  - the definitions of tobacco products;
  - your province’s legislation about not selling single cigarettes;
  - forms of acceptable ID;
  - asking for and examining ID from anyone who appears 25 years or under;
  - the penalties for selling to minors (under 19 years of age);
  - how to refuse selling tobacco; and
  - the store policies and procedures.

*(If training has not included all of these, it is not complete.)*

### Policies and Procedures

- Have you developed a policy that employees are not allowed to sell tobacco until they are fully trained? ...Yes  No
- Is it store policy to require staff to ask for ID from customers who appear 25 years of age or under? ...Yes  No
- Have penalties been established for employees who do not follow store policies or the laws? ..... Yes  No
- Have these penalties been explained to the employees? ..... Yes  No
- Has a written or oral exam been given to all employees to ensure they understand the Federal and Provincial tobacco legislation? ..... Yes  No
- Have employees signed a recent agreement to show they understand store policies and the Federal and Provincial tobacco legislation? ..... Yes  No
- Are Federal and Provincial tobacco legislation and your store policies reviewed with staff at regular intervals such as at staff meetings and in one on one employee reviews? ..... Yes  No
- Are letters and information, including newspaper articles, regarding Federal and Provincial tobacco legislation given to employees for review? ..... Yes  No
- Have you developed a policy on discipline for employees who sell to minors or fail to ask for photo identification from customers who appear 25 years of age or under? ..... Yes  No
- Are the required provincial and federal signs posted in the manner and form as described in the tobacco legislation? ..... Yes  No
- Are all tobacco products kept in an area of the store away from reach by customers? ..... Yes  No

### Monitoring Employees

- Are spot checks performed by the store to test how sales of tobacco products are carried out? ..... Yes  No
- Are store videos reviewed regularly and a record kept of the results? ..... Yes  No
- Are employees supervised on a regular basis? ..... Yes  No
- Have these steps been taken? ..... Yes  No
- Have these steps been recorded? ..... Yes  No

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



# On-Going Monitoring Tools

## Additional Steps

There are many additional steps that can be taken within your place of business to make sure no one sells a tobacco product to someone who is under 19 years of age.

Here are a few suggestions:

1. Install a special cash register key to remind clerks to ask for identification, confirming proof of age of the customer before a tobacco sale.
2. Show samples of acceptable identification at the checkout to compare with the customer's identification.
3. Ask employees to sign daily or weekly shift reports to show they understand their duties under Federal and Provincial tobacco legislation and store policies.
4. Hand out tobacco sales information and reminders with employees' pay cheques, every few months.

A French version of this Toolkit is available upon request.

# Employee Training to Prevent Tobacco Sales to Minors

For Clerks & Others Who Sell Tobacco

Section

# 5

## Introduction

This booklet is for clerks and others who sell tobacco in a retail store. Please read carefully as your employer may quiz you as part of your retail training.

## Definitions of Federal and Provincial Tobacco Legislation in BC

### Highlights

#### **Furnishing\* Tobacco Products to Minors is Illegal:**

No one shall give, sell or provide in any way (furnish) a tobacco product to anyone under 19 years of age in any public place or a place where the public has reasonable entry (access).

**\*Furnish:** To sell, lend, assign, give, send with or without consideration, or to barter or deposit with another person for performance of a service. This can (but does not have to) include an exchange of money.

#### **Only Certain ID is Acceptable:**

Only those types of photo ID listed in the federal Tobacco (Access) Regulations are acceptable in BC.

***STUDENT CARDS ARE NOT ACCEPTABLE AS PROOF OF AGE FOR TOBACCO PURCHASES***

#### **Right to Say No:**

You have the right to say no to anyone who asks you to break the law by selling tobacco products to people who are under 19.

#### **Selling Single Cigarettes is Illegal:**

Cigarettes may only be sold in packages that have at least 20 cigarettes in them. It is against the law to sell single cigarettes to anyone.

#### **Banned Flavourings:**

It is illegal to sell cigarettes, little cigars and/or blunt wraps with additives that have flavouring properties or are used to enhance flavouring (excluding menthol).

A Tobacco Enforcement Officer may enter your store without a warrant and inspect your premises. You must fully cooperate with the Tobacco Enforcement Officer. Hindering, obstructing or knowingly making a false or misleading statement may lead to charges.

# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## Definitions of Federal and Provincial Tobacco Legislation in BC *(continued)*

### Tobacco Products

Tobacco Products are composed in whole or in part of tobacco. Some tobacco products are:

- cigarettes
- loose tobacco
- little cigars
- bidis
- leaves
- tubes
- blunt wraps
- snuff
- cigars
- kreteks
- chewing tobacco
- pipe tobacco
- cigarette papers
- filters

It is only legal to furnish a tobacco product to a person 19 years of age or older in BC.

In stores where Provincial signs are not required, customers who are 18 years or older can buy cigarette papers, tubes and/or filters.

### Tobacco Accessories

- pipes
- lighters
- cigarette holders
- matches
- cigar clips

***Remember: If you furnish a tobacco product to someone under 19 ... you could be fined and lose your job.***

***Remember: Health Canada and BC Ministry of Health send test shoppers out to retail locations to test compliance. You might be tested.***

# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## Acceptable ID

Thinking someone looks older than they are is not a legitimate excuse to sell them tobacco or tobacco products. Always check for a valid identification. Federal and Provincial tobacco legislation in BC states that only the following pieces of identification or documentation are acceptable to prove a person's age:

- Driver's Licence
- A Canadian Passport
- Government-issued Certification of Canadian Citizenship (with photograph)
- Canadian Permanent Resident document
- Canadian Armed Forces (Canadian Forces) identification card
- Certificate of Indian Status card (with photograph)
- Other documentation from a Federal or Provincial authority or a foreign government. An example may be a government-issued voluntary ID card.

**STUDENT CARDS ARE NOT ACCEPTABLE AS PROOF OF AGE FOR TOBACCO PURCHASES**



# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## Who to ask for ID

Ask everyone who looks under 25 for ID before you sell tobacco.

Do not sell tobacco if the customer:

- Has no ID
- Does not show you one of the acceptable ID cards required by law
- Does not look like the photo on the ID card
- Gives you ID that shows they are under 19 years old
- Shows you an ID card you believe is fake. For example the card may be a fake if it looks as if the date of birth has been changed
- Begs you to sell them tobacco
- Shows you a note from a parent or other adult

By asking everyone who looks under 25 for ID, you may avoid:

- Giving tobacco to a person less than 19 years old
- Guessing a young person's age
- Breaking the law and getting a fine
- Breaking store policy and facing disciplinary action from your employer

***When it comes to estimating someone's age, don't guess. ASK FOR ID from anyone who appears 25 years of age or younger.***

# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## Five steps for checking ID

Avoid reaching for or handling tobacco until after these steps have been followed.

### *ID card*

Look at the ID card. Is it one of the ID cards required by law? If not – **refuse to sell**.

### *Date of birth*

Look at the date of birth and determine the person's age. Are they under 19? If they are – **refuse to sell**.

### *Photo*

Look at the person, then look at the photo on the ID card. If they look different – then **refuse to sell**.

### *Signature*

Is the ID card signed? If not – **refuse to sell**.

### *Fake ID?*

Has the ID card been changed? Run your fingers over it. Has the surface been scratched or altered near the dates? Does it seem fake? If it does – then **refuse to sell**.



# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## Problems with ID

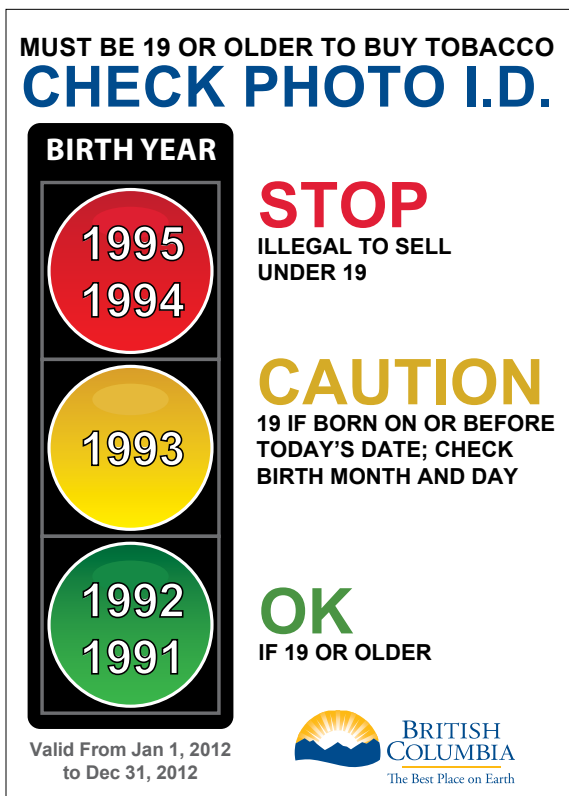
Keep an eye out for altered identification. Younger customers may try to change their IDs to appear older.

### *Check ID carefully*

Calculating the age of a customer from their date of birth can be confusing. Use stickers to make it easier to figure out if a customer is 19 or over. Don't forget to change the stickers each year.

### *Here are some ways to spot altered IDs:*

- Has the ID been changed in any way?
- Have the dates been altered in any way?
- Look closely at the typeface on the dates. Is it the same as the rest of the card?
- Has the surface been scratched so you can't read the dates?
- Have the corners been peeled back?
- Run your fingers across the surface of the card. Has it been scratched near the birth day?
- Can you feel a break in the surface that would show something has been inserted into the card? Has a new date been inserted into the card?
- Look at the picture. Does the person in front of you look like the person in the picture?



Sample of provincial  
age stickers

# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## Common Questions

***Can I sell to someone under 19 if they give me a note from a parent?***

NO. Notes are not allowed. The law says you cannot provide (furnish) tobacco to anyone under 19 years old.

***What happens if I am caught selling tobacco to someone under 19?***

Both the clerk who sold the tobacco and the store owner may be charged and fined if found guilty. Make sure you know how to ask for ID and obey this law.

***Can I accept school identification cards with a photo to verify the age of someone purchasing tobacco?***

NO. Only federal, provincial or foreign government ID with name, date of birth, photo and signature are acceptable as proof of age when selling tobacco products.

***Can I sell lighters or matches to anyone under 18 years old?***

YES. Lighters and matches are not considered to be tobacco products; therefore, their sale is not age restricted under the *Tobacco Act*. However, matches that depict a tobacco product logo must be sold and not be given away for free.

***We're counting on you.***

Let's work together to keep tobacco out of the hands of young people.



# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## Saying No

### You have the right to say No.

You have the right to say no to anyone, including friends, who is asking you to break the law. It is illegal for you to provide tobacco products to anyone who is under 19 years of age.

Saying no to friends and others in your age group is not easy. The following tips can help you say no firmly:

1. Tell the person he or she is asking you to break the law and that you could be heavily fined or could lose your job.
2. Say no firmly and without hesitating. Your voice and expression will make it clear that the matter is closed. There is no further discussion.  
Use confident body language:
  - Look at the person when you are speaking
  - Keep your head up
  - Speak with a confident, calm tone
3. Repeat yourself if you have to. Some people will accept your decision but others will not. For those who insist on buying tobacco, repeat the phrase in step 1 over and over. This works because it lets others know that nothing they say will change your mind.
4. Tell the customer to see the manager or your supervisor if he or she will not leave.
5. Give the person a Customer Information Card and tell the person you are following laws and store policies (Customer Information Cards are in the Signage section of this toolkit).

Retail clerks are often challenged verbally by youth when they refuse to furnish tobacco products to a minor. Here are some responses a clerk can say when confronted by a “pushy” minor.

“We have a policy in our store to photo ID anyone who looks under 25. I have no choice – it’s a part of my duties.”

“Look, I know you’re not 19 and that we’re friends. But I’m the one who will lose my job if I sell you cigarettes. And besides, it’s illegal!”

“Look, I’ve told you that I can’t sell you cigarettes because it’s illegal and I could lose my job. If you insist, I’m going to have to get my manager.”

***If you feel seriously threatened by a customer, be sure to follow store emergency procedures.***

# Employee Training to Prevent Tobacco Sales to Minors For Clerks & Others Who Sell Tobacco

## References

In BC, there are Federal and Provincial staff working to enforce tobacco regulations.

For questions concerning:

- this Toolkit
- tobacco control and its legislation and regulations

Please contact the Health Canada Tobacco Control Program:

**Phone:** 604-666-3350 / 1-866-318-1116  
**Email:** [bc.tcp@hc-sc.gc.ca](mailto:bc.tcp@hc-sc.gc.ca)  
**Web site:** [www.healthcanada.gc.ca/bc-retailers](http://www.healthcanada.gc.ca/bc-retailers)

If you need:

- information about signage
- to report a retailer for selling to minors

Please contact your Tobacco Enforcement Officer at your local Provincial Health Authority or visit their website:

<b>Vancouver Island Health Authority:</b>	250-360-1450
<b>Vancouver Coastal Health Authority:</b>	604-675-3800
<b>Fraser Health Authority:</b>	604-476-7000
<b>Interior Health Authority:</b>	250-862-4200
<b>Northern Health Authority:</b>	250-565-2649

<http://www.health.gov.bc.ca/tobacco/>

### *Want to Quit Smoking?*

[www.quitnow.ca](http://www.quitnow.ca)  
or call 1-877-455-2233  
(translation in over 130 languages)

# CHECK PHOTO I.D.

MUST BE 19 OR OLDER TO BUY TOBACCO



## STOP

ILLEGAL TO SELL UNDER 19



## CAUTION

19 IF BORN ON OR BEFORE  
TODAY'S DATE; CHECK BIRTH  
MONTH AND DAY



## OK

IF 19 OR OLDER



BRITISH  
COLUMBIA

The Best Place on Earth

VALID FROM JAN 1, 2012 - DEC 31, 2012