



UTAH TOBACCO RETAILER EDUCATION GUIDE

PREVENTING UNDERAGE TOBACCO SALES

Produced by the Utah Department of Health and Utah's local health departments



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DISCLAIMER

This guide is for informational and educational purposes only. It is your responsibility to know and comply with Utah tobacco laws. Using this guide and adopting the recommended policies does not constitute compliance with the laws and is not a defense if you or your employees are cited for violating Utah Criminal Code 76-10-114. Information contained in this guide is subject to change without further notice. For questions, please consult the “Where to Go for Help” section.

REVISION DATE

Revised May 2021 — Utah Department of Health Tobacco Prevention and Control Program (TPCP)

How to Use this Guide

This guide is divided into four parts:

1. Overview: A guide for tobacco retail employees, managers, and owners about many relevant laws that apply to their business and the sale of tobacco products, electronic cigarette products, and nicotine products. It includes information about potential civil and criminal penalties if employees or owners sell to individuals younger than 21.
2. Employee Section: A guide for employees that can be used at the time of new-hire orientation and for ongoing training and education. It includes a quiz to test your understanding of training materials.
3. Owner/Manager Section: Tips for creating a tobacco policy and ideas on how to reinforce employee training. It provides answers to commonly asked questions, answers to the employee quiz, and information on where to go if you need more help and support.
4. Resources Section: Includes documents you can use with your employees and shows what resources (posters, window clings, and dated register stickers) are available to you at no charge.



OVERVIEW

OVERVIEW

Why It's Important to Check I.D.

Tobacco use is one of the main causes of disease, death, and suffering in Utah. In addition to its considerable impact on the health of Utahns, tobacco use poses a significant economic burden. Preventing tobacco use among individuals younger than 21 is critical since nicotine addiction is linked to starting tobacco use during the teenage years. About ninety-five percent of adult smokers begin smoking before they turn 21—and you and your staff can help drive that number down by preventing access to tobacco and nicotine products. Research shows that in Utah:

- 4,300 Utah high school students smoke cigarettes. (Source: Utah YRBS 2019)
- 1,340 Utahns die each year as a result of cigarette smoking. (Source: CDC SAMMEC Online Application)
- \$542 million in smoking-related health care costs are incurred in Utah each year. (Source: CDC SAMMEC Online Application)
- \$294 million is lost due to lost worker productivity each year. (Source: CDC SAMMEC Online Application)
- Youth vaping increased from 1.9% in 2011 to 12.4% in 2019. (Source: SHARP Survey, 2011 to 2019, odd years)

About 95%

of adult smokers begin smoking before they turn 21.

More than 70%

of Utah youth who tried tobacco started with vape products.

\$542 million

is spent on smoking-related healthcare expenses in Utah each year.

Benefits of Complying with Utah Tobacco Laws

- You won't get fined, or serve a jail term.
- You will gain the respect of the community.
- You may be rewarded by your local health department or your manager.
- You can help reduce the number of youth who may become addicted to tobacco.
- Fewer individuals younger than 21 will target your store for illegal purchases.

What this Guide Will Do for Your Store:

- Provide a guide for educating employees on how to avoid illegal tobacco sales to individuals younger than 21.
- Provide a documented training program and an employee agreement form. When signed and dated, this form may make the tobacco retailer eligible to receive a reduction in civil penalties if an illegal tobacco sale were to occur. Refer to Utah Code 26-62-306 for more information.
- Provide a stand-alone training program, or add to an existing retail tobacco training program.
- Provide resources and local contacts.

KNOWING THE LAW

This guide covers Utah state laws that apply to you as a tobacco retailer in Utah. Please note there are federal laws tobacco retailers in Utah are also required to follow. For more information and retail education materials regarding these federal laws, visit <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/our-watch>, or call 1-888-INFO-FDA.

Retailers Cannot Sell Tobacco Products, Electronic Cigarette Products, and Nicotine Products to Individuals Younger Than 21

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. Effective July 1, 2020, all Utah age-related tobacco laws have been updated from age 19 to age 21. It is now illegal for a retailer to sell any tobacco products, electronic cigarette products, nicotine products, and tobacco paraphernalia to **anyone** younger than 21, including military personnel. Some examples of these products include the following:

- Cigarettes • Cigars • Snuff • Loose tobacco (pipe tobacco) • Chewing or smokeless tobacco • Bongos • Electric pipes
- Electronic cigarettes • Electronic cigarette substance or liquid • Nicotine dissolvable salts, orbs, pellets, sticks, or strips

Utah Tobacco Laws at a Glance

Note: The following summaries of tobacco product, electronic cigarette product, and nicotine product laws are current as of May 2021. Retailers can access information about any changes at <https://tobaccofreutah.org/laws>.

Minors

- 76-10-104 Providing a Cigar, Cigarette, an Electronic Cigarette, a Nicotine Product or Tobacco to a Minor—Penalties. Prohibits providing a tobacco product, an electronic cigarette product, or a nicotine product to an individual who is younger than 21.
- 76-10-104.1 Providing Tobacco Paraphernalia to Minors—Penalties. Prohibits providing tobacco paraphernalia to an individual younger than 21.
- 76-10-105 Buying or Possessing a Cigar, Cigarette, an Electronic Cigarette Product, a Nicotine Product or Tobacco by a Minor—Penalty. Makes it illegal for anyone who is 18 years or older, but younger than 21 years old to buy, attempt to buy, accept, or have in their possession a tobacco product, an electronic cigarette product, or a nicotine product.
- 76-10-105.1 Requirement of Direct, Face-to-Face Sale of a Tobacco Product, an Electronic Cigarette Product, or a Nicotine Product – Minors Not Allowed in Retail Tobacco Specialty Businesses – Penalties. An individual younger than 21 may not enter or be present at a retail tobacco specialty business.

Retail

- 26-62-305 Penalties. Outlines specific penalties when permit violations occur. In addition, outlines general tobacco retailer owner specific civil and administrative penalties enacted due to the sale of a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21.
- 76-10-103 Permitting Underage Individuals to Use Tobacco Products, Electronic Cigarette Products, or Nicotine Products in a Place of Business. Proprietors of any business may not knowingly permit individuals younger than 21 to use a tobacco product, an electronic cigarette product, or a nicotine product on the business premises.

77-39-101 Investigation of Sales of Alcohol, Tobacco Products, Electronic Cigarette Products, and Nicotine Products to Underage Individuals. Compliance checks will be conducted in tobacco retailers a minimum of two times within a 12-month period, unless there is reasonable suspicion to believe the retailer has sold alcohol, a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21.

License Requirements

- 10-8-41.6 Regulation of Retail Tobacco Specialty Business. This statute requires municipality licensing of businesses whose sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment; 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; the commercial establishment: holds itself out as a retail tobacco specialty business; and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; any flavored electronic cigarette product is sold; or the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products. Retail tobacco specialty businesses cannot be located within (1) 1,000 feet of a community location; (2) 600 feet from another retail tobacco specialty business; or (3) 600 feet from property used or zoned for agricultural or residential use.
- 17-50-333 Regulation of Retail Tobacco Specialty Business. Statute that requires county licensing of businesses whose sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment; 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; the commercial establishment: holds itself out as a retail tobacco specialty business; and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; any flavored electronic cigarette product is sold; or the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products. Retail tobacco specialty businesses cannot be located within (1) 1,000 feet of a community location; (2) 600 feet from another retail tobacco specialty business; or (3) 600 feet from property used or zoned for agricultural or residential use.
- 59-14-201 Registration and Licensing. Each tobacco retailer in Utah that sells cigarettes or tobacco products is required to obtain a valid license issued by the Utah State Tax Commission in accordance with 59-14-201 or 59-14-301. Each tobacco retailer in Utah that sells electronic cigarette products, or nicotine products is required to obtain a valid license issued by the Utah State Tax Commission in accordance with 59-14-803.
- 59-14-301
- 59-14-803
- 59-14-202 Issuance of Licenses. Describes the circumstances under which licenses are issued and establishes that a license is valid for three years before being required to be renewed. Also prohibits cigarette sales in packs that contain fewer than 20 cigarettes and places restrictions on roll-your-own packaging.
- 59-14-203 Failure to Obtain a License—Penalty. Makes manufacturing, importing, distributing, selling, or offering to sell cigarettes without a valid license a class B misdemeanor.
- 59-14-205 Stamping Procedure — Rules — Exceptions — Penalty — Collection procedures. Describes requirements and procedures for placement of approved tax stamps on cigarette packages and containers. Lists penalties for failing to affix stamps as required.

Permitting Requirements

- 26-62-201 Permitting Requirement. Tobacco retailers are required to have a valid tobacco retail permit issued by the local health department. Tobacco products, electronic cigarette products, or nicotine products may not be in public view, advertised, displayed, sold, or distributed without a valid permit. Tobacco retail permits issued are classified as a general tobacco or a retail tobacco specialty business. Permit
- 26-62-202 Application. Tobacco retailers that sell a tobacco product, an electronic cigarette product, or a nicotine product are required to accurately fill out a permit application from the local health department.
- 26-62-203 Permit term and fees. Tobacco retailers are required to pay a permit fee established by state code.
- 26-62-204 Permit Nontransferable. A permit is nontransferable. Tobacco retailers are required to notify their local health department within 15 days if any information on their permit application changes.
- 26-62-205 Permit Requirements for a Retail Tobacco Specialty Business. Any individual younger than 21 is prohibited from entering the business. The business needs to place a sign on the public entrance that communicates that individuals younger than 21 are prohibited from entering the business. In addition a retail tobacco specialty business may not employ an individual younger than 21 or permit an employee younger than 21 to sell a tobacco product, an electronic cigarette product, or a nicotine product.
- 26-62-206 Permit Requirements for the Sale of Tobacco Products and Electronic Cigarette Products. All tobacco retailers are required to provide customers with an itemized receipt for all tobacco product, electronic cigarette product, and nicotine product sales that identify the name of the product sold, the amount charged for each product, the time and date of the sale. Itemized transaction logs must be maintained for at least one year and made available upon request from enforcing agencies.
- 26-62-302 Enforcement by State and Local Health Department. The local health departments will enforce permitting as an informal adjudicative proceeding including notifying a tobacco retailer of violations, conducting hearings, and imposing civil administrative penalties.
- 26-62-304 Hearing — Evidence of Criminal Conviction. If a tobacco retailer is convicted of violating 76-10-114, the local health department shall assess an additional monetary penalty under 26-62 for the same offense; and shall revoke or suspend a permit in accordance with 26-62-305.
- 26-62-305 Penalties. Outlines specific civil penalties when permit violations occur. In addition, outlines specific civil and administrative penalties due to the sale of a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21.
- 26-62-401 Verification of Proof of Age. Retail tobacco specialty businesses are required to electronically verify the I.D. of all individuals who enter and purchase tobacco products or electronic cigarette products. Scanned information obtained must be kept for 180 days and is subject to inspection by enforcing agencies.
- R384-324 Tobacco Product, Electronic Cigarette Product, and Nicotine Product Retailer Permit Process. This administrative rule establishes how the local health departments will issue, suspend, and revoke tobacco retailer permits.

The majority of laws referred to in this guide can be found on the Utah Tobacco Prevention and Control website at <https://tobaccofreeutah.org/laws>. Those not listed there, as well as the complete text of all the laws, can be found at the Utah State Legislature’s website at www.le.utah.gov.

Advertising and Distribution

- 53-7-501 to 503 Regulation of Novelty Lighters. Prohibits the sale or distribution of lighters that, due to their design, can reasonably be expected to appeal to children.
- 76-10-102 Cigarettes and Tobacco—Advertising Restrictions—Warnings in Smokeless Tobacco Advertisements. Describes advertising restrictions on cigarettes and other forms of tobacco; requires warnings that must appear in smokeless tobacco advertisements.
- 76-10-105.3 Prohibition of Sale or Gift of Clove Cigarettes. Prohibits the sale or gift of clove cigarettes.
- 76-10-111 Restrictions on Sale of Smokeless Tobacco or Electronic Cigarette Products-Exceptions. Makes it unlawful to distribute without charge any smokeless tobacco, chewing tobacco, or an electronic cigarette product at less than the cost of the product to the manufacturer, wholesaler, or retailer or give, distribute, sell, or offer for sale an electronic cigarette product for free or at a lower price because of another purchase.
- 76-10-112 Prohibition of Distribution of a Tobacco Product—Exceptions. A tobacco product may be distributed to an adult without charge at a professional convention where the general public is excluded.
- 76-10-113 Prohibition on Distribution of Flavored Electronic Cigarette Products. Makes it unlawful for a tobacco retailer that is not a retail tobacco specialty business to give, distribute, sell, offer for sale, or furnish a flavored electronic cigarette product to any person. General tobacco retailers may sell tobacco, mint, or menthol flavored electronic cigarette products or electronic cigarette substances to individuals who are 21 years of age or older.
- 76-10-114 Unlawful Sale of a Tobacco Product or Electronic Cigarette Product. Establishes criminal penalties for tobacco retailer employees who knowingly or intentionally sell or give a tobacco product or an electronic cigarette product in the course of business to an individual who is younger than 21.

Utah Indoor Clean Air Act**

- 26-38-1 to 9 Utah Indoor Clean Air Act. Prohibits smoking of cigarettes, electronic cigarettes, and hookah in places of public access, including private businesses.
- R392-510-1 to 17 Utah Indoor Clean Air Act. This administrative rule informs how businesses, government agencies, and other organizations are required to comply with the statute. It prohibits smoking inside buildings and within 25 feet of entrances, exits, open windows, and air intakes. It also requires posting of "no smoking" signs at all entrances.

** While the Utah Indoor Clean Air Act does not regulate the sale of tobacco products, electronic cigarette products or nicotine products, it does govern their use (including cigarettes, electronic cigarettes, and hookah) in and around retail outlets. Businesses must comply with both the statute and the rule. A complete listing of the Utah Indoor Clean Air Act requirements can be found at <https://utahtobaccolaws.org/indoor-clean-air/>.

PENALTIES FOR ILLEGAL SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE PRODUCTS, & NICOTINE PRODUCTS

Criminal penalties imposed on a retail owner or an employee for selling a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21. Utah Criminal Code 76-10-114

Offense	Criminal Penalty When Someone Sells to an Individual Younger than 21	
1st Offense	Infraction	Maximum fine of \$1,000, or compensatory service.
2nd Offense	Class C Misdemeanor	Maximum fine of \$2,000, or compensatory service.

Civil penalties imposed on a general tobacco retailer when a retail owner or an employee sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21.

Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit Penalties: 26-62-301, 26-62-304, 26-62-305

Violation	Civil Penalty Issued to General Retailer When Someone Sells to an Individual Younger than 21
1st Violation	Employee Sale: Impose fine of \$1,000 on Tobacco Retailer. Owner Sale: Impose fine of \$2,000 on Tobacco Retailer.
2nd Violation*	Employee Sale: Impose fine of \$1,500 on Tobacco Retailer. Owner Sale: Impose fine of \$5,000 on Tobacco Retailer <u>and</u> revoke general tobacco retailer permit.^^ *Violation and penalties are based on 2nd violation within 1 year of the 1st previous violation.
3rd Violation**	Employee Sale: Suspension of tobacco permit for 30 consecutive business days,^ or impose fine of \$2,000 imposed on Tobacco Retailer. **Violation and penalties are based on 3rd violation within 2 years of the previous 2 violations.
4th Violation***	Employee Sale: Impose fine of \$2,000 on Tobacco Retailer <u>and</u> revoke tobacco permit.^^ ***Violation and penalties are based on 4th violation within 2 years of the previous 3 violations.

Civil penalties imposed on a retail tobacco specialty business when a retail owner or an employee sells a tobacco product, an electronic cigarette products, or nicotine products to an individual younger than 21.

Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit Penalties: 26-62-301, 26-62-304, 26-62-305

Violation	Civil Penalty Issued to Retail Tobacco Specialty Business When Someone Sells to an Individual Younger than 21
1st Violation	Employee or Owner Sale: Impose a fine of \$5,000 on Tobacco Retailer <u>and</u> immediately suspend the permit for 30 consecutive days.^ The local health dept. may also recommend to a municipality that the retail tobacco specialty business license issued under 10-8-41.6 or 17-50-333 be revoked.
2nd Violation**	Employee or Owner Sale: Impose a fine of \$10,000 on Tobacco Retailer <u>and</u> revoke the tobacco permit for the retail tobacco specialty business.^^ **Violation and penalties are based on 2nd violation within 2 years of the 1st previous violation.

^Tobacco retailers with a suspended permit, may not apply for a new permit for any other tobacco retailer for a period of 12 months.

^^Tobacco retailers with a revoked permit, may not apply for a new permit for any other tobacco retailer for a period of 24 months.

CIVIL PENALTIES FOR VIOLATING TOBACCO RETAIL PERMIT REQUIREMENTS UNDER UTAH CODE 26-62.

Civil penalties imposed on a tobacco retailer for violating the terms of a tobacco, electronic cigarette, and nicotine product retail permit. Utah Code 26-62-301.

Violation	Civil Penalty for Violating the Terms of a Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit
1st Violation	Impose fine of \$1,000 on Tobacco Retailer.
2nd Violation*	Impose fine of \$1,500 on Tobacco Retailer. *Violation and penalties are based on 2nd violation within 1 year of the 1st previous violation.
3rd Violation**	Suspension of tobacco permit for 30 consecutive business days, [^] or impose fine of \$2,000 imposed on Tobacco Retailer. **Violation and penalties are based on 3rd violation within 2 years of the previous 2 violations.
4th Violation***	Impose fine of \$2,000 on Tobacco Retailer <u>and</u> revoke tobacco permit. ^{^^} ***Violation and penalties are based on 4th violation within 2 years of the previous 3 violations. If applicable the local health department may also recommend to a municipality the retail tobacco specialty business license issued under Utah 10-8-41.6 or Utah Code 17-50-333 be revoked.

[^]Tobacco retailers with a suspended permit, may not apply for a new permit for any other tobacco retailer for a period of 12 months.

^{^^}Tobacco retailers with a revoked permit, may not apply for a new permit for any other tobacco retailer for a period of 24 months.

Other Civil Penalty Considerations

- Civil monetary penalties can be reduced if the tobacco retailer has proof of a documented employee training program and evidence that the employee was trained. Refer to Utah Code 26-62-306 for more information.
- This Utah Tobacco Retailer Guide and training quiz is an approved employee training program. Tobacco retail owners and employees can take a free online quiz at <https://utahtobaccolaws.org/training/>. The quiz is designed to test participant's knowledge about preventing the sale of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21. Upon completion the free online quiz provides participants a certificate that can be used as proof of training documentation.
- The civil penalty is the tobacco retailer's responsibility. Withholding employee wages to pay civil penalties may not be legal.

For questions, call the numbers below:

State: Utah State Labor Commission—Wage Claim Unit 801-530-6801

Federal: U.S. Department of Labor/Wages and Hour Division—Information Officer 801-524-5706

Reminder:

Your local health department may be willing to assist with you with understanding the law to prevent criminal and civil penalty violations. They may also be able to assist with your training needs. Page 25 of this guide includes the contact information for each of Utah's 13 local health departments.



**EMPLOYEE
SECTION**

VERIFYING INDIVIDUALS ARE AT LEAST 21 YEARS OLD

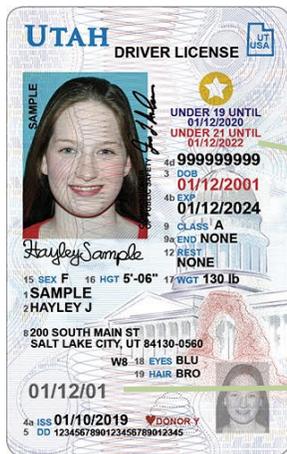
It is often hard to identify if an individual is of legal age to buy tobacco products, electronic cigarette products, and nicotine products. To avoid making an illegal sale, be sure to follow the Food and Drug Administration law: check the photo I.D. of all customers who appear to be younger than 27 (or older, according to store policy) who attempt to purchase tobacco products, electronic cigarette products, and nicotine products. In addition, effective July 1, 2020 all retail tobacco specialty businesses are required to electronically verify the I.D. of all individuals who enter and purchase tobacco products or electronic cigarette products. Scanned information obtained must be kept for 180 days and is subject to inspection by enforcing agencies.

Acceptable Forms of Identification

For an I.D. to be valid, it must meet all of the following criteria:

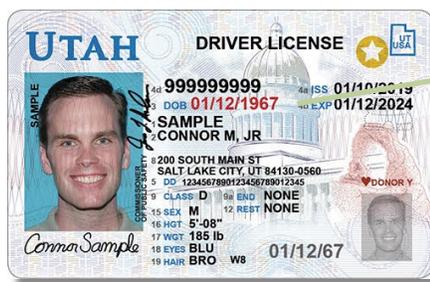
- Is government-issued
- Is current and valid (make sure the I.D. is not expired)
- Contains a date of birth (DOB)
- Contains a photo matching the person presenting the I.D.
- Does not appear to be fake or altered

Under 21 Driver License



- Vertical format for individuals who are younger than 21.
- The words "Under 21 Until" appear to the right of portrait in red. Blue language "Under 19 Until" is no longer relevant.
- Date of birth (DOB) is in grey writing.

Adult Driver License



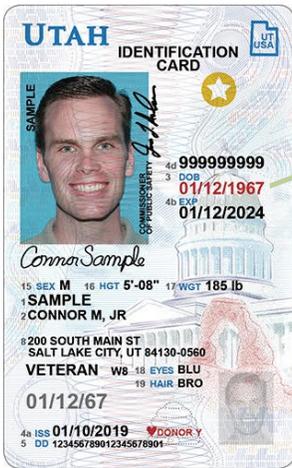
- Date of birth (DOB) is in red writing.

Under 21 Identification Card

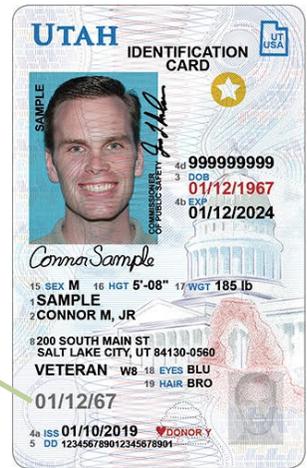


- The words “Under 21 Until” appear to the right of portrait in red.
- Date of birth (DOB) is in grey writing near the bottom.

Adult Identification Card



- Date of birth (DOB) appears to the right portrait in red writing and also in grey writing near the bottom.



Images used with the permission of Utah Department of Public Safety, Driver License Division.

What to Look For

Examples of acceptable identification include:

- A state-issued driver license
- Current passport
- Current state identification card
- Current military identification card
- Permanent resident card (Green card)

Examples of unacceptable identification include:

- Any I.D. that states it may not be used as form of
- Identification Driving privilege card
- Novelty I.D. card
- Tribal issued I.D.
- Social security card
- Digital I.D. or mobile I.D. (mDL) are not currently a valid form of I.D. in Utah, but may be a valid form of I.D. in the future.

You may need to ask customers to take their I.D. out of their wallet or purse so that you can hold the I.D. and get a closer look. You may also need to ask customers to remove glasses or hats so that you can make sure they match the person in the photo. If you have any doubts about the validity or authenticity of the I.D., refuse the sale.

Common Mistakes

- Overriding the computerized system for someone who appears younger than 27.
- Asking for I.D. and then not checking the age, or miscalculating the age.
- Accepting I.D. that is not a valid government-issued photo I.D.
- Asking for a customer's date of birth instead of checking the I.D.
- The clerk mistaking an individual younger than 21 for an adult customer who is at least 21 and a "regular."
- Inputting random date of birth or clerk's own date of birth into the computer.

Remember: You must check the date of birth on the I.D. to find out if the customer is of legal age to purchase tobacco products, electronic cigarette products, and nicotine products. Even if a customer shows a current and valid I.D., such as a military I.D. or passport, he or she may still not be old enough to buy tobacco products, electronic cigarette products, and nicotine products.

How to Figure Out If a Customer is Old Enough

Figuring out if a customer is old enough to buy tobacco products, electronic cigarette products, and nicotine products is as simple as adding 20 and adding 1: (Birth year + 20) + 1 = year in which customer will turn 21

For example, if the birth date on the I.D. is March 28, 1999:

- Today's date = March 5, 2020
- Date of birth as it appears on the I.D. = March 28, 1999
- Add 20 to the year = March 28, 2019
- Add 1 to the year = March 28, 2020

According to this example, this customer will not be 21 years old until March 28, 2020. Therefore, it is not legal to sell tobacco products, electronic cigarette products, and nicotine products to this customer.

How to Refuse an Illegal Sale of Tobacco Products, Electronic Cigarettes, or other Nicotine Products

- Always ask for I.D. before getting the tobacco products, electronic cigarette products, and nicotine products.
- Give a firm yet polite response.
- State the reason you cannot sell the product.
- Shift your attention to the next customer.

Sample Illegal Sale Situations

Underage customer with I.D.

When a customer's I.D. shows that he or she is not old enough, remind him or her that he or she has to be 21 to legally purchase tobacco products, electronic cigarette products, and nicotine products.

What to say:

"I'm sorry, it's against the law for me to sell tobacco products, electronic cigarette products, and nicotine products to anyone younger than 21."

Underage customer purchasing for an adult

If parents or other adults send an individual younger than 21 to purchase tobacco products, electronic cigarette products, or nicotine products for them, explain that someone who is at least 21 years old must come in to make the purchase.

What to say:

"I'm sorry, it's against the law for me to sell tobacco products, electronic cigarette products, and nicotine products to anyone younger than 21."

Customer without I.D. who appears underage

If a customer does not have I.D., don't accuse him or her of being younger than 21.

What to say:

"I must see a valid I.D. to determine whether I can sell this to you."

Customer without I.D. who appears over 21 but younger than 27

If a customer clearly looks at least 21 but appears younger than 27, store policy requires that you must check I.D.

What to say:

"I'm sorry, store policy requires that I check the I.D. of all customers who appear to be younger than 27 (or older depending on your store policy). If I don't, I could be fined or lose my job."

Adult buying for someone underage

If you have reason to believe a customer older than 21 is attempting to purchase tobacco products, electronic cigarette products, and nicotine products for an individual younger than 21, you must refuse the sale.

(Customer could be an underage individual's parent, sibling, friend, or a stranger.)

What to say:

"I'm sorry, it appears that you may be purchasing this for an individual younger than 21, so I cannot sell you this product. It is illegal to furnish tobacco products, electronic cigarette products, and nicotine products to anyone younger than 21."

Friend of clerk who is underage attempts to purchase

Don't be tempted to sell to your underage friends.

What to say:

"It's nothing personal; it's just the law. If I sell tobacco products, electronic cigarette products, and nicotine products to you, I could be fined and lose my job."

What if a customer becomes disagreeable?

- Stay calm.
- Don't argue with the customer.
- Refer the customer to your supervisor or manager.
- Offer to get a police officer's opinion.

Benefits of Complying with Utah Tobacco Laws

1. You won't get fined, or serve a jail term.
2. You will gain the respect of the community.
3. You may be rewarded by your local health department or your manager.
4. You will help reduce the number of youth who may become addicted to tobacco products, electronic cigarette products, and nicotine products.
5. Fewer individuals younger than 21 will target your store for illegal purchases.

TOBACCO PRODUCT, ELECTRONIC CIGARETTE PRODUCT, & NICOTINE PRODUCT SALES QUIZ

Now that you have received instruction on preventing the sale of illegal tobacco products, electronic cigarette products, and nicotine products, please take some time to complete the following brief quiz to show how much you know.

1. In Utah, the legal age to buy or possess tobacco products, electronic cigarette products, and nicotine products is:
 - 18
 - 19
 - 21
2. The law applies to cigarettes, but not to nicotine dissolvable salts.
 - True
 - False
3. General tobacco retailers cannot sell flavored electronic cigarette products except tobacco, mint, or menthol flavored.
 - True
 - False
4. Electronic cigarettes may be stocked out on normal store shelves in a convenience store so customers can select the product themselves and bring it to the counter to pay for it.
 - True
 - False
5. A business that wants to offer tobacco products and electronic cigarette products in a self-service display must be permitted as a retail tobacco specialty business to ensure that no one younger than 21 years of age enters the business where the products are displayed.
 - True
 - False

6. If a customer whom you have verified is 21 years of age or older appears to be purchasing tobacco products, electronic cigarette products, and nicotine products for someone who is younger than 21, the employee at the register can refuse to sell the product to the customer.
- True
 - False
7. If a customer's birth date was 7/19/99, and today's date is 8/18/20, could you legally sell tobacco to him or her?
- Yes
 - No
8. About ninety-five percent of adult smokers begin smoking before they turn 21.
- True
 - False
9. Selling tobacco products, electronic cigarette products, and nicotine products to someone younger than 21 could result in a criminal offense, hefty fines, compensatory service and possible jail time.
- True
 - False
10. Military personnel only need to be at least 18 years old to purchase tobacco products, electronic cigarette products, and nicotine products in Utah.
- True
 - False
11. An acceptable I.D. must (mark all that apply):
- be government-issued
 - be current and valid (make sure the I.D. is not expired)
 - have the date of birth (DOB)
 - have a photo matching the person showing you the I.D.
 - not appear to be fake or altered
12. If you are unsure about whether a customer's I.D. is valid, you should refuse the sale.
- True
 - False
13. Which of the following are acceptable forms of I.D. for tobacco sales? (mark all that apply.)
- Current driver license
 - Credit card with picture
 - School identification card
 - Social Security Card
 - Current state identification card
 - Current passport
 - Current military identification card

14. If adults send their children with a note to buy cigarettes for them, is it OK to make the sale?
- Yes
 - No
 - It depends on whether the parent has signed the note and if it looks OK
15. Which of the following is true when an employee illegally sells tobacco to an individual younger than 21?
- Both the employee AND the owner (or tobacco retail permit holder) may receive penalties.
 - Only the employee receives a penalty.
 - Only the owner (or tobacco retail permit holder) receives a penalty.
16. Federal law requires checking and verifying the I.D. of any customer appearing to be younger than:
- 27 years old
 - 21 years old
 - 35 years old
17. Which is NOT an effective way to refuse a sale?
- Politely and firmly say that you cannot sell the product
 - State the reason you cannot sell the product
 - Remove the product from the counter
 - Angrily accuse the customer
18. Tobacco paraphernalia cannot be sold to any individual younger than 21.
- True
 - False

Employee's Signature

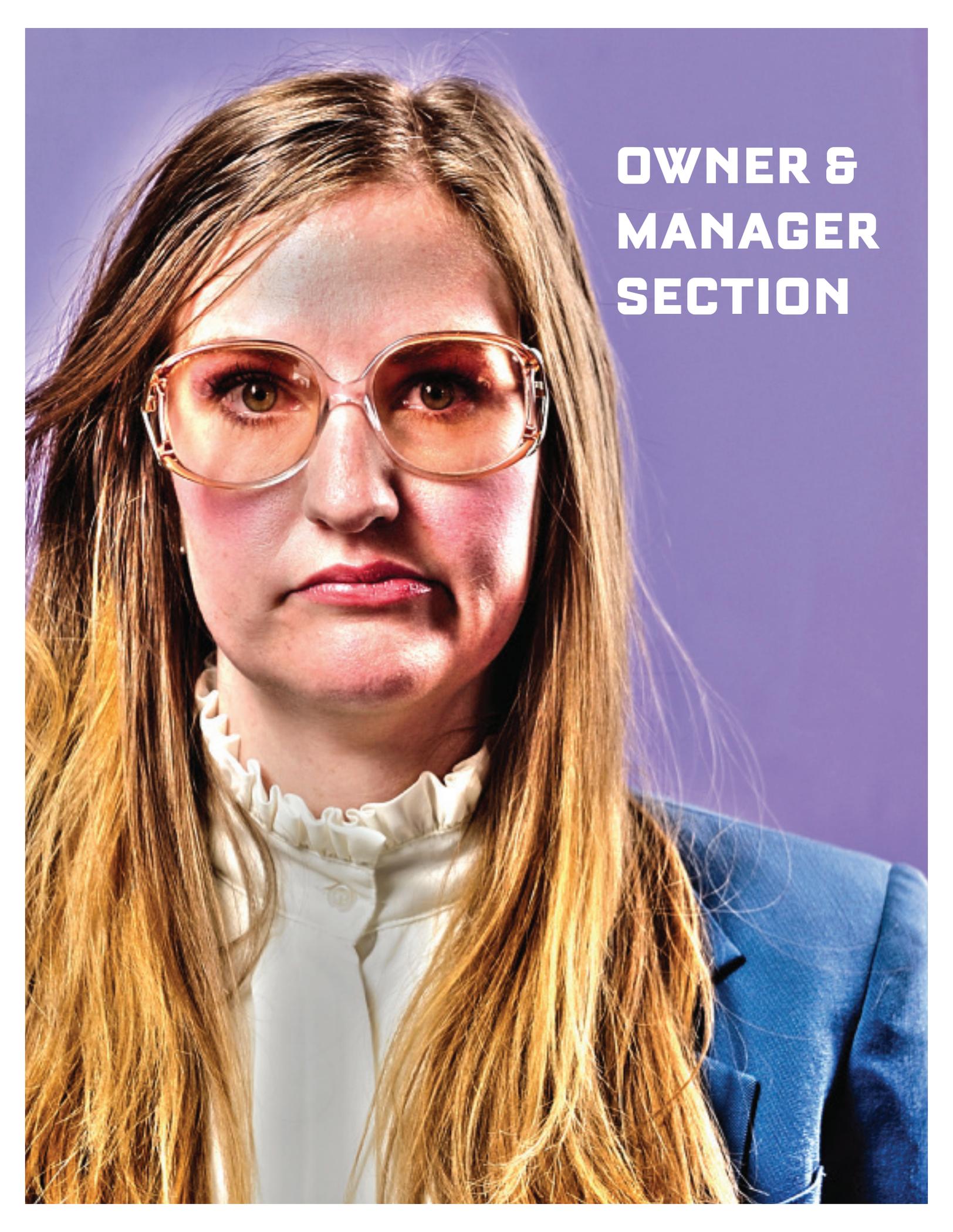
Employee's Name (print)

Date

Store Manager's Signature

Store Manager's Name (print)

Date

A close-up portrait of a woman with long, straight, light brown hair. She is wearing large, clear-framed glasses with a slight tint. Her expression is neutral as she looks directly at the camera. She is dressed in a white blouse with a ruffled collar and a blue blazer. The background is a solid, deep purple color.

**OWNER &
MANAGER
SECTION**

TIPS FOR OWNERS AND MANAGERS: POLICIES AND PROCEDURES

You have a responsibility to prevent illegal tobacco product, electronic cigarette product, and nicotine product sales. This section of the guide will give you ideas on how to develop and implement policies and procedures, training techniques, and reinforcement strategies to help your employees comply with the law.

Policy Development

- Create and follow strict written tobacco policies and procedures. Consider including the following elements:
 - o The store’s policy that outlines procedures for selling tobacco products, electronic cigarette products, and nicotine products.
 - Develop a “We I.D. . . .” policy; i.e., “We I.D. everyone younger than 27 (or 30 or 40).”
 - Ask for I.D. before getting the tobacco product.
 - Ask the customer to remove I.D. from a wallet or purse.
 - Take hold of the I.D. to examine it closely.
 - Check the birth date on the I.D. to make sure the customer is at least 21 or older.
 - Include any other store-specific procedures.
 - If a retail tobacco specialty business, include a process for staff to electronically verify the I.D. of all individual's when he/she enters the business.
 - o A list of the store’s consequences for those who sell to individuals younger than 21 (in addition to civil and criminal penalties).
 - o Procedures for employees to follow when asking individuals who are known to be younger than 21 and who are using tobacco to leave the premises. Refer to Utah Code 76-10-103 for more information.
 - o Consequences for employees who improperly use or override computerized prompts on registers when ringing up tobacco products, electronic cigarette products, and nicotine products.
 - o A system for reviewing surveillance footage and receipt records for date-of-birth entries in order to monitor employee compliance with store tobacco product, electronic cigarette product, and nicotine product sales policies.
- Keep tobacco products, electronic cigarette products, and nicotine products locked up, and constantly monitor the products.
- Let your employees know that management supports and follows the law.
- Conduct internal policy checks by using individuals who are 21 or older to attempt to purchase tobacco products, electronic cigarette products, and nicotine products.
- Offer rewards for employees who pass external compliance checks and internal policy checks.
- Upgrade register software to require a date of birth to be entered for all tobacco product, electronic cigarette product, and nicotine product sales, or that allows scanning of the I.D.

New Employee Training

- Provide new employee training before employees are allowed to sell tobacco products, electronic cigarette products, and nicotine products. Training should include the following:
 - o Utah tobacco laws
 - o A clear definition of what a tobacco product, an electronic cigarette product, and a nicotine product is
 - o Legal age for purchase
 - o Instructions on how and when to ask for I.D.
 - o Instructions on how to identify a false I.D.
 - o Instructions on how and when to refuse a sale
 - o The consequences of an illegal sale
- Provide close manager supervision of new employees.
- Have employees sign and date a Proof of Tobacco Retailer Training Document (see Resource A).

Training Reinforcement Strategies

- Role-play different tobacco product, electronic cigarette product, and nicotine product sale situations with employees.
- Review tobacco laws and policies in staff meetings.
- Provide ongoing follow-up training.
- Follow through with rewards and consequences.
- Create birth date flashcards so clerks can practice calculating age.

Visual Reminders

- Post the tobacco policy in your store where employees will see it often.
- Post a copy of tobacco-related laws for employees to review.
- In highly visible locations (e.g., front doors, counters, and windows), post signs stating that you don't sell tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21.
- Post a copy of penalties for those who sell tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21.
- Post a date-of-birth chart (or use a digital birth chart), and make sure employees refer to it when calculating a customer's age.

Important note:

Document all measures taken to reinforce employee education and prevent illegal sales of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21. Documentation may be used as evidence in your favor in the civil hearing process. Refer to Utah Code 26-62-306 for more details.

TOBACCO PRODUCT, ELECTRONIC CIGARETTE PRODUCT, & NICOTINE PRODUCT SALES QUIZ ANSWER KEY

Now that you have received instruction on preventing illegal tobacco product, electronic cigarette product, and nicotine product sales, please take some time to complete the following brief quiz to show how much you know.

1. In Utah, the legal age to buy or possess tobacco products, electronic cigarette products, and nicotine products is:
 - 18
 - 19
 - 21
2. The law applies to cigarettes, but not to nicotine dissolvable salts.
 - True
 - False
3. General tobacco retailers cannot sell flavored electronic cigarette products except tobacco, mint, or menthol flavored.
 - True
 - False
4. Electronic cigarettes may be stocked out on normal store shelves in a convenience store so customers can select the product themselves and bring it to the counter to pay for it.
 - True
 - False
5. A business that wants to offer tobacco products and electronic cigarette products in a self-service display must be permitted as a retail tobacco specialty business to ensure that no one younger than 21 years of age enters the business where the products are displayed.
 - True
 - False
6. If a customer whom you have verified is 21 years of age or older appears to be purchasing tobacco products, electronic cigarette products, and nicotine products for someone who is younger than 21, the employee at the register can refuse to sell the product to the customer.
 - True
 - False
7. If a customer's birth date was 7/19/99, and today's date is 8/18/20, could you legally sell tobacco to him or her?
 - Yes
 - No
8. About ninety-five percent of adult smokers begin smoking before they turn 21.
 - True
 - False

9. Selling tobacco products, electronic cigarette products, and nicotine products to someone younger than 21 could result in a criminal offense, hefty fines, compensatory service and possible jail time.
- True
 - False
10. Military personnel only need to be at least 18 years old to purchase tobacco products, electronic cigarette products, and nicotine products in Utah.
- True
 - False
11. An acceptable I.D. must (mark all that apply):
- be government-issued
 - be current and valid (make sure the I.D. is not expired)
 - have the date of birth (DOB)
 - have a photo matching the person showing you the I.D.
 - not appear to be fake or altered
12. If you are unsure about whether a customer's I.D. is valid, you should refuse the sale.
- True
 - False
13. Which of the following are acceptable forms of I.D. for tobacco sales? (mark all that apply.)
- Current driver license
 - Credit card with picture
 - School identification card
 - Social Security Card
 - Current state identification card
 - Current passport
 - Current military identification card
14. If adults send their children with a note to buy cigarettes for them, is it OK to make the sale?
- Yes
 - No
 - It depends on whether the parent has signed the note and if it looks OK
15. Which of the following is true when an employee illegally sells tobacco to an individual younger than 21?
- Both the employee AND the owner (or tobacco retail permit holder) may receive penalties.
 - Only the employee receives a penalty.
 - Only the owner (or tobacco retail permit holder) receives a penalty.

16. Federal law requires checking and verifying the I.D. of any customer appearing to be younger than:

- 27 years old**
- 21 years old
- 35 years old

17. Which is NOT an effective way to refuse a sale?

- Politely and firmly say that you cannot sell the product
- State the reason you cannot sell the product
- Remove the product from the counter
- Angrily accuse the customer of attempting to do an illegal act**

18. Tobacco paraphernalia cannot be sold to any individual younger than 21.

- True**
- False

COMMON QUESTIONS AND ANSWERS

Question #1: Why is it recommended that customers who appear to be younger than 27 present a photo I.D.?

Answer #1: It is hard to judge the age of teens and young adults simply from the way they look. Federal law requires checking and verifying the I.D. of anyone who is younger than 27. Your store may have an older age requirement. Some companies have also entered into agreements with their Attorney General's Office that require checking and verifying I.D. of purchasers who appear older than 27 years of age, i.e., 35 years old or 40 years old. Bottom line: The best way to protect yourself from violating the law, being assessed monetary or criminal penalties, or the suspension or revocation of your health department tobacco permit to sell tobacco products, is to carefully check every I.D. and verify that it is valid and current.

Question #2: Does a clerk have to check the I.D. of regular customers every time they buy tobacco products, electronic cigarette products, and nicotine products even if they are known to be at least 21 years old?

Answer #2: Review your store policy; it may require you to check I.D. for every tobacco product, electronic cigarette product, and nicotine product sale. Also as of July 1, 2020, all retail tobacco specialty businesses are required to electronically verify the I.D. of all individuals who enter the premises and purchases tobacco products, electronic cigarette products, and nicotine products. Remember, having a policy requiring employees to request I.D. from everyone, even a regular customer, is the simplest and most effective way to prevent personal fines for the person who sells to underage persons, as well as to the store owner (health department tobacco permit holder), who can be penalized for illegal underage sales by their employees.

Question #3: Do the police actually have to see or witness the illegal sale take place in order for a citation to be given?

Answer #3: No. A citation can be given even if the police officer does not witness the sale, but he or she must have sufficient evidence of the sale.

Question #4: Are the police using buyers younger than 21 who are deceptive in order to issue citations?

Answer #4: No. The police are trying to help reduce the accessibility of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 and test for compliance with tobacco laws, not to trick clerks into a citation. While it is common for an underage individual who is not part of a compliance check process to mislead a retailer about their actual age, underage individuals who are participating in a compliance check process cannot misrepresent their age by false or misleading identification documentation. Again, the simplest way to prevent an underage sale is to require a current and valid form of identification to be presented at every purchase.

Question # : What licenses or permits do I need to sell tobacco products, electronic cigarette products, and nicotine products?

Answer #5: Utah law requires all retailers wanting to sell tobacco products, electronic cigarette products, and nicotine products to:

Step 1. Go to the Utah Department of Commerce to register your business.

Step 2. Obtain a tobacco license from the Utah State Tax Commission. Obtaining a bond may also be required.

Step 3. Obtain a tobacco retail permit from the local health department where the business is located.

Step 4. Obtain a business license from the city and/or county business licensing office where the business is located. Retail tobacco specialty businesses may be required to obtain a specific retail tobacco specialty business license from their city and/or county business licensing office.

Failure to obtain and renew your Utah State Tax Commission license, health department tobacco permit, and municipal business license may result in hefty penalties, including the inability to advertise, display, or sell tobacco products, electronic cigarette products, and nicotine products.

Question #6: Is it true that the health department tobacco permit holder or owner of a store can be fined even if he or she is not the person who illegally sold to an underage individual?

Answer #6: Yes. The owner of an establishment is subject to a civil penalty if an employee makes an illegal sale to an individual younger than 21. However, it is possible to have these penalties reduced by 50 percent or more if the owner can document that he or she has provided acceptable training (such as that included in this guide to all employees). Refer to Utah Code 26-62-306 for more details. In addition, as of July 1, 2020, owners who sell tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 can face increased civil penalties, including the revocation of their tobacco permit after the second violation. Refer to Utah Code 26-62-305 & 26-62-402 for more information.

Question #7: Are there any laws about selling electronic cigarettes in Utah?

Answer #7: Yes. The same laws that pertain to regular cigarettes and other tobacco products also apply to electronic cigarettes. For example, no one younger than 21 may possess an electronic cigarette, and it is illegal to sell an electronic cigarette to anyone younger than 21. In addition, the Utah Indoor Clean Air Act prohibits the use of an electronic cigarette in the same places cigarettes are prohibited, so their use inside retail establishments by employees or customers is not allowed. Selling electronic cigarettes by mail or delivery service, by telephone, on the internet or computer network is also prohibited. Individuals who do violate the law may face criminal and civil penalties up to \$5,000 for each violation and be required to pay recovery and investigation fees. Refer to Utah Code 59-14-808 and 76-10-105.1 for more information.

Question #8: Are there additional requirements for retail tobacco specialty businesses (smoke and vape shops)?

Answer #8: Retail tobacco specialty businesses are subject to the following 5 additional requirements:

1. Proximity – To be permitted as a retail tobacco specialty business, the business may not be located within:
 - 1,000 feet of a community location*; or 1,000 feet of a public or private k-12 school; or
 - 600 feet of another retail tobacco specialty business; or
 - 600 feet of property used or zoned for agricultural or residential use.
2. Pay a one-time \$250.00 plan review fee.
3. Prominently display a sign on the public entrance of the retail tobacco specialty business that communicates individuals younger than 21 may not enter or be present at the tobacco specialty businesses (e.g., must be 21 or older to enter) and that the sale of tobacco products and electronic cigarette products to individuals younger than 21 is prohibited. Refer to Utah Code 26-62-205 and 76-10-105.1(4) for more details and exceptions to this requirement.
4. Verification of Proof of Age. As of July 1, 2020 all retail tobacco specialty businesses are required to electronically verify the I.D. of all individuals that enter the premises and purchases tobacco products, electronic cigarette products, and nicotine products. Refer to Utah Code 26-62-401 for more details.
5. May not employ an individual under 21 years old; or permit an employee under 21 years old to sell a tobacco product, an electronic cigarette product, or a nicotine product. Refer to Utah Code 26-62-205 for more details.

Utah law defines a retail tobacco specialty business as a commercial establishment in which:

- sales of tobacco products, electronic cigarette products, and nicotine products** account for more than 35% of the total quarterly gross receipts for the establishment;
- 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products;
- 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products;
- the commercial establishment: holds itself out as a retail tobacco specialty business; and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business;
- any flavored electronic cigarette product is sold; or
- the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products.

Question #9: Is it true that general tobacco retailers cannot sell flavored electronic cigarette substances?

Answer #9: Yes. As of July 1, 2020, it is unlawful for a tobacco retailer that is not a retail tobacco specialty business to give, distribute, sell, offer for sale, or furnish a flavored electronic cigarette product*** to any person.

Definitions for * are on page 23.

COMMON DEFINITIONS

*Community location includes any: public or private K-12 school, licensed child-care or preschool, trade or technical school, church, public library, public playground, public park, youth center, or other place used primarily for youth-oriented activities, public recreational facility, public arcade, or homeless shelter. Refer to Utah Code 10-8-41.6(1)(a) and 17-50-333(1)(a).

*Beginning July 1, 2022, a retail tobacco specialty business that has a business license and is operating in a city or county may not be located within 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school, even if the business had "grandfather status" prior. Refer to Utah Code 10-8-41.6(7)(a)(iii) and 17-50-333(7)(a)(iii) for more information and contact your local health department if you have questions.

**Tobacco products means a cigar; a cigarette; or tobacco in any form, including: chewing tobacco; and any substitute for tobacco, including flavoring or additives to tobacco and tobacco paraphernalia.

**Electronic cigarette products means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette. An "electronic cigarette" includes: any electronic oral device that provides an aerosol or a vapor of nicotine or other substance; and which simulates smoking through the use or inhalation of the device; a component of the device; or an accessory sold in the same package as the device. An "electronic cigarette" also includes an oral device that is composed of a heating element, battery, or electronic circuit; and marketed, manufactured, distributed, or sold as: an e-cigarette; an e-cigar; an e-pipe; or any other product name or descriptor, if the function of the product meets the above definition. An "electronic cigarette substance" means any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette. A "prefilled electronic cigarette" includes an electronic cigarette that is sold prefilled with an electronic cigarette substance.

**Nicotine products means alternative nicotine product or a nontherapeutic nicotine product, which includes: a nontherapeutic nicotine product, or a tobacco product, that contains nicotine; is not purchased with a prescription from a licensed physician; and is not approved by the United States Food and Drug Administration as nicotine replacement therapy; pure nicotine; snortable nicotine; dissolvable salts, orbs, pellets, sticks, or strips; and nicotine-laced food and beverage, but does not include a fruit, a vegetable, or a tea that contains naturally occurring nicotine.

**Tobacco paraphernalia means equipment, product, or material of any kind that is used, intended for use, or designed for use to package, repack, store, contain, conceal, ingest, inhale, or otherwise introduce a tobacco product, an electronic cigarette substance, or a nontherapeutic nicotine device substance into the human body. "Tobacco paraphernalia" includes: metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips, meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; and ice pipes or chillers. "Tobacco paraphernalia" does not include matches or lighters.

***Flavored electronic cigarette product includes an electronic cigarette product that has a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

***Flavored electronic cigarette product does not include an electronic cigarette product that has a taste or smell of only tobacco, mint, or menthol; or has been approved by an order granting a premarket tobacco product application of the electronic cigarette product by the FDA.

Refer to Utah Code 76-10-101 for specific product definitions.

WHERE TO GO FOR HELP

Materials to assist you in your efforts are available free of charge, and may include posters, decals, and point-of-sale stickers. To order these materials, please contact your local health department. Also, your local health department may be willing to assist with your training needs.

Local Health Department	County(s)	Telephone
Bear River Health Department	Cache, Box Elder, Rich	(435) 792-6510
Central Utah Health Department	Juab, Millard, Piute, Sevier, Sanpete, Wayne	(435) 864-3612
Davis County Health Department	Davis	(801) 525-5000
Salt Lake County Health Department	Salt Lake	(385) 468-4100
San Juan Public Health	San Juan	(435) 359-0038
Southeast Utah Health Department	Carbon, Emery, Grand	(435) 637-3671
Southwest Utah Health Department	Beaver, Garfield, Iron, Kane, Washington	(435) 637-3528
Summit County Health Department	Summit	(435) 333-1500
Tooele County Health Department	Tooele	(435) 277-2300
TriCounty Health Department	Daggett, Duchesne, Uintah	(435) 247-1177
Utah County Health Department	Utah	(801) 851-7095
Wasatch County Health Department	Wasatch	(435) 657-3307
Weber-Morgan Health Department	Morgan, Weber	(801) 399-7100

For additional help and information, contact:

- Utah Department of Health Tobacco Prevention and Control Program: www.tobaccofreeutah.org, 801-538-6260 [locally], or 1-877-220-3466 [toll-free in state].
- Utah State Tax Commission (for tobacco licensing questions): www.tax.utah.gov/tobacco, 801-297-2200, or 800-662-4335 ext. 2200 [toll-free in state].
- Utah Indoor Clean Air Act (to find out what is required by the UICAA, sample policies, sample signage, and other information to help businesses and building managers comply with the law): www.tobaccofreeutah.org/uicaa.html, 801-538-6260 or 801-538-6754.

The majority of laws referred to in this guide can be found on the Utah Tobacco Prevention and Control website at <https://tobaccofreeutah.org/laws>. Those not listed there, as well as the complete text of all the laws, can be found at the Utah State Legislature’s website at www.le.utah.gov.

Bottom line:

The best way to protect yourself from violating the law, being assessed major monetary penalties, or losing your health department tobacco permit to sell tobacco products, is to carefully check every I.D. and verify that it is valid and current.

RESOURCES



RESOURCES

Proof of Tobacco Retailer Training Document. This document verifies the employee has received training and understands the state laws and store’s policy regarding tobacco. It can be used to confirm training in a civil hearing process, as per Utah Code 26-62-306. It can also be adapted to meet your store’s specific needs and policies.

Resource A: Proof of Tobacco Retailer Training Document

I understand that state law prohibits the sale of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21. I have reviewed the guidelines regarding the sale of tobacco products, electronic cigarette products, and nicotine products to individuals younger than 21 and understand failure to follow store policy may result in an infraction and fine not exceeding \$1,000; or compensatory service on the first violation and a class C misdemeanor and a fine not exceeding \$2,000; or compensatory service, on any subsequent violation!

I AGREE TO THE FOLLOWING LAWS AND COMPANY POLICIES ABOUT THE SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE PRODUCTS, AND NICOTINE PRODUCTS: (Please initial in each space provided.)

____ I will not sell tobacco products, electronic cigarette products, nicotine products, or tobacco paraphernalia to anyone younger than 21.

____ If the person appears to be younger than 27, I will ask for I.D. If there is any doubt about the person's age, I will not make the sale.

____ I will not knowingly sell tobacco products, electronic cigarette products, nicotine products or tobacco paraphernalia to any adult for use by individuals under the legal age. If I think this is happening, I will not make the sale.

In turn, management agrees to support my judgment in not making sales in any of the above cases.

I certify that I was trained on the date listed below, and that the training included the following components:

- A clear definition of what constitutes a tobacco product, an electronic cigarette product, and a nicotine product
- The legal age for purchase
- Instruction on when and how to ask for I.D.
- Instruction on performing age I.D. checks for any customer who appears to be younger than 27
- Instruction on how to detect false I.D.
- Instruction on how and when to refuse a sale
- Instruction on how to refuse a sale when an adult clearly attempts to buy for an individual younger than 21
- The consequences of an illegal sale

Employee’s Signature

Employee’s Name (print)

Date

Store Manager’s Signature

Store Manager’s Name (print)

Date

Store Name

This agreement will be maintained in our personnel file as part of your permanent employee record.

This page may be reproduced in any form without prior permission.

Resource A: Record of Employees Who Have Completed the Tobacco Retailer Training

Once your employee has successfully completed the quiz, both of you should fill out one of the sections below. Keep these pages in your document as a record of employees who have completed this training.

Employee's Signature Print Name Date

Store Manager's Signature Print Name Date

.....

Employee's Signature Print Name Date

Store Manager's Signature Print Name Date

.....

Employee's Signature Print Name Date

Store Manager's Signature Print Name Date

.....

Employee's Signature Print Name Date

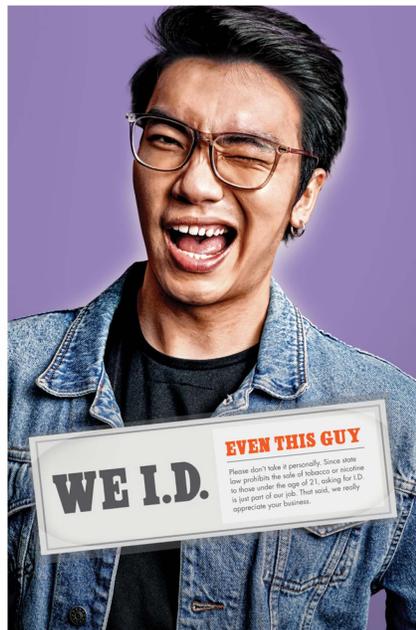
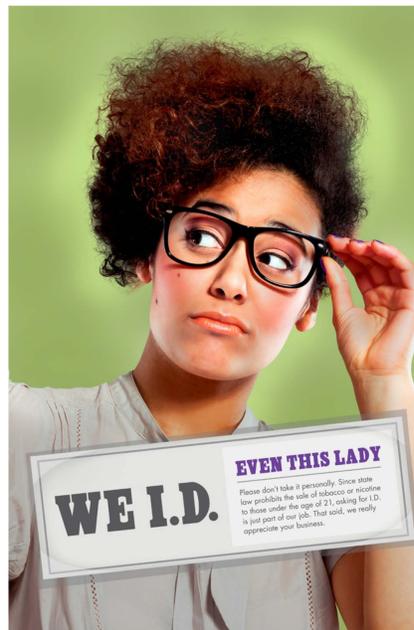
Store Manager's Signature Print Name Date

Resource B: Poster, Window Clings, Retail Tobacco Specialty Business Public Entrance Signs and Dated Register Stickers

To obtain any of the following materials at no cost to you, please contact the Utah Department of Health Tobacco Prevention and Control Program Media and Communications Coordinator Ryan Bartlett at rbartlett@utah.gov. Your efforts to educate your staff and customers can prevent individuals younger than 21 from starting to smoke or vape and thus save lives.

Posters

11 x 17 posters are to be hung outside or inside of store.



Window Clings

Clings are to be placed on door windows at store entrance.



Retail Tobacco Specialty Business Public Entrance Signs

Retail Tobacco Specialty Business are required to prominently display a sign on the public entrance of the business that communicates individuals younger than 21 may not enter or be present at the tobacco specialty businesses (e.g., must be 21 or older to enter) and that the sale of tobacco products and electronic cigarette products to individuals younger than 21 is prohibited. For more details, refer to Utah Code 26-62-205.

YOU MUST BE 21 TO ENTER

The sale of tobacco products
and electronic cigarette
products to individuals younger
than 21 is prohibited.



Subsection 76-10-105.1(4) and Sections 76-10-104, 76-10-104.1, 76-10-105.1, and 76-10-114

Dated Stickers

Stickers are to be placed at point of purchase for both employee and patron to see.

