



GUIDE TO PREVENTING ALCOHOL AND TOBACCO SALES TO MINORS

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TABLE OF CONTENTS

INTRODUCTION.....	1
TOBACCO USE AMONG YOUTH.....	2
PENALTIES FOR THE SALE OF TOBACCO TO MINORS.....	3
PROVISIONS FOR THE SALE OF BEER TO MINORS.....	4
TIPS FOR RETAILERS, MANAGERS & EMPLOYEES.....	5
EMPLOYEE TEST & AGREEMENT.....	6

SECTION I



INTRODUCTION

This manual is designed to assist you in effectively reducing teen access to age restricted products. It is our hope that store owners, managers, and clerks realize their role in keeping tobacco and alcohol out of the hands of minors. Our collective efforts will greatly impact future generations.

In addition to the information, The Office of the Attorney General has prepared useful items, including store signage and certificates, that both law enforcement and the retail community may use.

Through efforts to educate retailers about the laws governing sales of tobacco and beer to minors and the efforts of law enforcement to ensure compliance, we have reduced the youth tobacco buy rate from 32.7% in 1999 to just 3% in 2006. But we cannot stop now. We must continue our efforts to save lives and protect our children from deadly addictions. Thank you for your commitment to do just that.

If you need additional information or materials, please contact The Office of the Attorney General, Alcohol and Tobacco Enforcement Unit, at 601-359-4165.

A handwritten signature in black ink that reads "Jim Hood". The signature is written in a cursive style with a large, looping initial "J".

SECTION 2



Tobacco Use Among Youth

How bad is the problem of tobacco use among youth nationwide?

Each day, more than 4,000 kids try their first cigarette; and each day more than 2,000 other kids under 18 years of age become new regular, daily smokers. That's more than 730,000 new underage daily smokers each year.¹

The addiction rate for smoking is higher than the addiction rates for marijuana, alcohol, or cocaine; and symptoms of serious nicotine addiction often occur only weeks or even just days after youth "experimentation" with smoking first begins.²

More than 90 percent of all adult smokers begin while in their teens, or earlier, and more than half become regular, daily smokers before they reach the age of 19.³

Twenty-seven percent of all children are daily smokers by the time they leave high school.⁴

Information compiled and obtained from *The National Center for Tobacco-Free Kids*

Related Fact sheets from the Campaign for Tobacco-Free Kids, <http://www.tobaccofreekids.org>

1 Substance Abuse and Mental Health Services Administration, (SAMHSA), HHS, Results from the 2001 National Household Survey on Drug Abuse, NHSDA: Volume II Technical Appendices and Selected Data Table, 2002, www.samhsa.gov/oas/nhsda.htm.

2 U.S. Centers for Disease Control and Prevention (CDC), "Symptoms of Substance Dependence Associated with Use of Cigarettes, Alcohol, and Illicit Drugs – United States 1991-1992," *Morbidity and Mortality Weekly Report (MMWR)*, November 10, 1995, <http://www.cdc.gov/mmwr>. DiFranza, J.R. et al., "Initial Symptoms of Nicotine Dependence in Adolescents," *Tobacco Control* 9: 313-19, September 2000, <http://tc.bmjournals.com>. Campaign for Tobacco-Free Kids (TFK) fact sheet, *The Path to Smoking Addiction Starts at Very Young Ages*, <http://tobaccofreekids.org/research/factsheets/pdf/0127.pdf>.

3 SAMHSA, HHS, *2001 National Household Surveys on Drug Abuse*, www.samhsa.gov/oas/nhsda.htm, unpublished data. See, also, HHS, Youth and Tobacco: Preventing Tobacco Use among Young People: A Report of the Surgeon General, 1995, http://sgreports.nlm.nih.gov/NN/B/C/L/Q/_/nnbclq.pdf (page 49).

4 University of Michigan, Institute for Social Research, *Monitoring the Future Study*, 2002, <http://monitoringthefuture.org/data/00data.html#2000data-cigs>.



Teen Smoking, Alcohol Use and Other Drug Use

Does tobacco use by youth really lead to other drug usage?

Teen smoking is an early warning sign for additional substance abuse problems. Youth ages 12-17 who smoke are more than 11 times as likely to use illicit drugs and 16 times as likely to drink heavily as youths who do not smoke.¹ As the U.S. Supreme Court noted in 1962, "The first step toward addiction may be as innocent as a boy's puff on a cigarette in an alleyway."²

Does smoking typically precede other drug use?

Among youth who have used both cigarettes and marijuana by the 12th grade, 65 percent smoked cigarettes before marijuana and 98 percent of those who had used both cocaine and cigarettes smoked cigarettes first.³

Is it really true that the earlier a person uses tobacco, the more likely they are to experiment with cocaine, heroin or other illicit drugs?

Yes, those who start smoking as a child are three times more likely to use marijuana and four times more likely to use cocaine than those who do not smoke as children.⁴ In addition, more than half of all persons who start smoking before age 15 use an illicit drug in their lifetime, compared to only a quarter of those who do not start smoking until they are beyond age 17 — with those who start smoking before age 15 more than three times more likely to use cocaine. And those who start smoking before age 15 are seven times more likely to use cocaine than those who never smoke cigarettes at all.⁵

Is there a correlation between youth tobacco and alcohol use?

Adolescent smokers, for example, are three times more likely to use alcohol than adolescents who do not smoke.⁶

In addition:

- Smokers are over 30 percent more likely to consume alcohol and ten times more likely to develop alcoholism than nonsmokers.
- 80- 95% of all alcoholics also smoke cigarettes, and 70 percent of all alcoholics are heavy smokers who consume more than one pack of cigarettes per day.



The initiation of regular cigarette smoking typically precedes the onset of alcoholism by many years.⁷

Youth who have drunk alcohol and smoked cigarettes at least once in the past month are 30 times more likely to have smoked marijuana than those who report refraining from smoking or drinking alcohol.⁸ Furthermore, heavy users of smokeless tobacco (e.g. snuff, chewing tobacco, etc.) are almost 16 times more likely than nonusers to currently consume alcohol.⁹

Information obtained from and compiled by The National Center for Tobacco-Free Kids.

1 Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services, *Summary of Findings from the 1998 National Household Survey on Drug Abuse* (August 1999), www.health.org/pubs/nhsda/.

2 *Robinson v. California*, 370 U.S. 660 (June 25, 1962), <http://www.findlaw.com/casecode/supreme.html>.

3 U.S. Department of Health and Human Services, *Preventing Tobacco Use Among Young People: A Report of the Surgeon General* (1994).

4 Center on Addiction and Substance Abuse (CASA), Columbia University, *Cigarettes, Alcohol, Marijuana Gateways to Illicit Drug Use* (October 1994), www.casacolumbia.org.

5 CASA, *Cigarettes, Alcohol, Marijuana: Gateways to Illicit Drug Use*.

6 National Institute on Alcohol Abuse and Alcoholism (NIAAA), *Alcohol Alerts: Alcohol and Tobacco* (January 1998).

7 NIAAA, *Alcohol Alerts: Alcohol and Tobacco* (January 1998).

8 Commission on Substance Abuse Among America's Adolescents, *Substance Abuse and the American Adolescent* (August 1997).

9 Everett, Sherry et al. "Other Substance Use Among High School Students Who Use Tobacco." *Journal of Adolescent Health* (November 1998).

SECTION

3



Mississippi Penalties for the Sale of Tobacco to Minors

Seller Responsibilities

Tobacco products may not be sold, bartered, delivered or given to any person under 18 years of age. (Mississippi Code Ann. 97-32-5).

Penalties

- For a first conviction, the person in violation will be fined \$50.
- For a second conviction, the person in violation will be fined \$75.
- For all subsequent convictions, the person in violation will be fined \$150.

Retailer Responsibilities

1. Upon receipt of a citation by a retailer's employee, the holder of the retailer permit to sell tobacco products will be sent notification of this citation by registered mail. This notification includes an opportunity for a hearing before the appropriate court.

Penalties

- For the first conviction, the retailer is sent a warning letter.
 - For the second conviction, the retailer is required to enroll in and complete a Retailer Tobacco Education Program.
 - For the third or subsequent violation(s), the retailer's permit to sell tobacco products may be revoked or suspended for one year after the retailer is given notice and an opportunity for a hearing. If the retailer's tobacco permit is revoked, the retailer must wait at least six months before reapplying for a permit.
2. Every person or business which sells tobacco products at retail must notify each person they employ as a retail sales clerk that:
 - a. The Mississippi Juvenile Tobacco Access Prevention Act of 1997 prohibits the sale or distribution of all tobacco products to any persons under the age of 18.
 - b. All retail sales clerks must ask for proof of age from a prospective purchaser or recipient of tobacco products.
 - c. All retail sales clerks must sign the Retail Sales Clerk/Employee Agreement (Mississippi Code Ann. 97-32-7).



Penalties

- Any person in violation will be fined between a minimum of \$50.00 and a maximum of \$100.00.
3. Every seller of tobacco products must put warning signs at each point of sale of tobacco products. The signs must be legible, be no smaller than 8 ½ x 11 inches, and must state the following:

STATE LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS. PROOF OF AGE REQUIRED.

(Mississippi Code Ann. 97-32-11).

Penalties

- The penalty for violation is a fine of not more than \$100.00.
4. All retailers are prohibited from distributing tobacco products for commercial purposes other than in the sealed packages provided by the manufacturer with the required health warning on the packages (excluding cigars and pipe tobacco) (Mississippi Code Ann. 97-32-17).

Penalties

- For the first violation, the retailer will be fined no more than \$100.00 or be enrolled in a Retailer Tobacco Education Program, or both.
 - For the second violation within one year of the first violation, the retailer will be fined no more than \$200.00.
 - For the third and subsequent violations within one year of two prior violations, the retailer will be fined up to \$300.00, and the retailer's permit to sell tobacco products may be revoked or suspended for one year after the retailer has been given notice and an opportunity for a hearing.
5. It is unlawful for any retailer to sell tobacco products through vending machines unless the vending machine is located in an establishment requiring that an individual be eighteen (18) years of age or accompanied by an adult for admittance (Mississippi Code Ann. 97-32-15)

Penalties

- For the first violation, the retailer will be fined not more than \$250.00.
6. All retailers are prohibited from purchasing any tobacco product from a wholesaler/distributor that does not possess a valid tobacco permit as defined in Mississippi Code Ann. 27-69-1.

Penalties

- For the first violation, the retailer may be fined up to \$250.00.
- For the second offense occurring within one (1) year of the first offense, the retailer may be fined up to \$500.00.
- For the subsequent offenses within one (1) year of the first two offenses, the retailer may be fined up to \$1,000.00 and will be ineligible for a tobacco permit for one (1) year.

SECTION

4



Mississippi Provisions Regarding the Sale of Beer to Minors

Retailer Responsibilities

1. All permittees or sellers of alcohol are prohibited from selling alcohol to anyone under the age of twenty-one (21) years. (Mississippi Code Ann. 67-3-69).

Penalties

- For a first offense, a retailer shall be punished by a fine of not less than \$500.00, and not more than \$1,000.00.
 - For a second or subsequent offense within 12 months, a retailer shall be punished by a fine of not less than \$500.00, not more than \$2,000.00, and the permit to sell beer and light wines may be revoked for a period of 12 months.
2. Any person selling beer to a person under the age of twenty-one (21) years can be arrested and fined. (Mississippi Code Ann. 67-3-69).

Penalties

- Fine of up to \$500.00.
 - Up to six (6) months in jail or
 - Both of the above.
3. Any place of business making a sale of beer to an underage person can be fined and/or suffer administrative charges. (Mississippi Code Ann. 67-3-69).

Penalties

- For a first offense, a retailer may be fined not less than \$500.00 but not more than \$1,000.00, and/or be prohibited from selling beer for three (3) months.
- For a second offense occurring within 12 months of the first offense, a fine of not less than \$500.00 but not more than \$1,500.00, and be prohibited from selling beer for six (6) months.
- For a third or subsequent offense occurring within 12 months of the first offense, a fine of not less than \$1,000.00 but not more than \$5,000.00, and be prohibited from selling beer for one (1) year.

SECTION

5



Tips for Retailers

Set Goals and Objectives

The purpose of setting goals and objectives for your business is two-fold. First, this process helps you and your employees gain a greater understanding of what exactly needs to be done to reduce the sale of alcohol and tobacco products to minors. The second purpose for establishing a list of goals for your business is that it helps you and your employees to see how much has been accomplished.

By using the following information as a reference tool, you can calculate your store's advancement toward its overall goal. Here are some example objectives. Feel free to use these, build on them or create your own.

OVERALL GOAL: Reduce illegal over-the-counter alcohol and tobacco sales to minors from retail stores.

Objective #1:

Increase compliance with state and local laws prohibiting alcohol and tobacco sales to minors. These laws include required checking of identification of alcohol and tobacco purchasers, required point-of-sale warning signs and restrictions on self-service tobacco sales and displays.

Objective #2:

Educate store managers and employees about the reasons your outlets should not sell alcohol and tobacco to minors: health problems, compliance with the law and community values and norms.

Objective #3:

Educate and train store employees and owners about the different ways that they can prevent illegal alcohol or tobacco sales to minors.

Objective #4:

Facilitate the development and enactment of store and corporate policies designed to prevent illegal alcohol and tobacco sales to minors.

Objective #5:

Get involved and have my managers get involved with community organizations that are working to reduce youth initiation of alcohol and tobacco. This sets the tone and an example for my employees.



Tips for Managers

As a manager, you have a responsibility to prevent underage youth from illegally purchasing or stealing tobacco from your retail outlet(s). Here are some suggestions for eliminating underage sales and theft of tobacco:

1. Develop a storewide policy requiring managers and employees to request legitimate picture forms of identification.
2. If customers complain about your policy, explain that Mississippi law prohibits the sale of tobacco to anyone under age 18 and the sale of alcohol to anyone under 21.
3. Develop a procedure where the store manager is called to the registers to deal with unruly underage buyers.
4. In stores where a manager is not always present, develop a protocol for your employees to follow if underage buyers become unruly when a sale is refused.
5. Develop a policy that requires staff to encourage underage youth to leave the outlet's premises when they are using tobacco.
6. Post a copy of pertinent tobacco and alcohol laws at each point of sale.
7. Post signs indicating your store doesn't sell to underage youth.
8. Stock tobacco in locked cabinets or overhead racks that are only accessible to clerks.
9. Review the policies with your employees every six (6) months.



Tips for Employees

As an employee of a retail outlet that sells tobacco, you will be faced with the decision of what to do when an underage person attempts to buy tobacco. Here are some suggestions to help you prevent underage sales and theft of tobacco:

- Know the law. It is illegal to sell tobacco to anyone under age 18 and sale alcohol to anyone under 21. ID, ID, ID.

- Develop the habit of requesting to see legitimate picture forms of identification from anyone who appears underage.

1. Check ID's

For Tobacco: Ask anyone who looks under age to show you a picture ID. Asking the customer if he or she is 18 or older is NOT enough - you must see an ID.

For Alcohol: Ask anyone who looks under age to show you picture ID. Asking the customer if he or she is 21 or older is NOT enough - you must see an ID.

2. Check the Birth Date

Ask your manager to provide the calendars that have the respective dates of birth to know if your sale is legal.

3. Ask for a Photo ID

a. Valid identification includes:

- Driver's License
- State-issued personal identification card
- U.S. military identification
- U.S. passport
- U.S. immigration card

b. Examine the ID for authenticity. Be sure the photograph matches the appearance of the customer. It is not as hard as you may think to detect false identification. You just have to realize that the false ID customer is *nervous*, and you have to know what to look for.

Photo: Be sure it matches the person using the ID. Watch for fuzzy or dark photos (possible substitutes).

Feel: Hold the ID so the user can't read it. Feel for bumps or splits in the lamination (signs of tampering or alteration).

Look: Watch for erasure marks; type that does not line up straight; type style that does not match the rest; damaged paper surface, usually involving the date of birth. Also, look for information pasted on to cover the original date of birth. Watch for signs of altered signature.

Act: Keep holding ID so the user can't read it.

Have customer sign name, compare with ID.

Ask for backup ID to verify facts.

Ask questions to check addresses, etc.

Listen for nervous responses.



- c. If the ID seems questionable, refuse the sale.
- d. Explain the minimum-age law requirement clearly and politely. Emphasize that you are required by law to refuse the sale.

If customers complain about your policy, explain the law by pointing to the signs at your cash register.

- Remain calm
- If the product is on the counter, move it.
- Be polite.
- Remember that refusing a sale is not your option it's the law.
- If a criminal act occurs, do not intervene.

Using the right words can help defuse the situation.

- "I'm sorry. It's against the law."
- "I could lose my job."
- "Is there anything else I could get you?"

- ⇒ Talk with your manager about who to refer angry customers to so other customers in line aren't inconvenienced.
- ⇒ Don't fall for excuses. They're for my mom or dad, or I have a note from my mom. The sale of tobacco or alcohol to minors is still illegal, regardless of the circumstances. Customers must be 18 or older to buy tobacco and 21 or older to buy alcohol. You are the one who will be fined or sent to jail if you sell to minors.
- ⇒ Develop teamwork! When you're at work, make sure your co-workers are asking for ID. Have them watch you, too. If they forget to ask a customer, remind them or ask the buyer yourself. Help each other out. Other ways include asking your manager to post the required signs. If the tobacco or alcohol you sell is behind the counter, put a sign up nearby to remind yourself and the other employees to check ID.

SECTION

6



EMPLOYEE TEST

1. If a customer who wants to buy alcohol or tobacco products appears to be underage, I should:
 - A. Ask for ID, and/or additional ID
 - B. Refuse the sale if under legal age
 - C. Refuse the sale if you think ID is invalid
 - D. All of the above

2. Valid forms of identification include:
 - A. State driver's license
 - B. Military identification card
 - C. Library card
 - D. All of the above

3. The minimum age law for alcohol products is:
 - A. 21
 - B. 18
 - C. None of the above
 - D. All of the above

4. The minimum age law for tobacco products applies to:
 - A. Cigarettes, Cigars
 - B. Skoal/Snuff/dipping tobacco
 - C. Chewing Tobacco
 - D. All of the above

5. The minimum age law for alcohol applies to:
 - A. Wine coolers
 - B. Hard liquor
 - C. Beer
 - D. All of the above

6. It is illegal to sell tobacco products to a customer under the age of _____.



7. If I sell alcohol or tobacco products to a customer under age, the penalty is:

8. If a customer is unable to produce a valid ID, or additional ID, I should:

9. If I have refused to make a sale to a customer who cannot produce a valid ID, and that customer persists, I should:

10. Who is responsible for making sure not to sell alcohol or tobacco products to minors?

EMPLOYEE NAME: _____

SIGNATURE: _____

DATE: _____

**For additional information regarding this training program, please contact a representative with the
Office of the Attorney General – Alcohol and Tobacco Enforcement Division.
The phone is (601) 359-4165.**

www.agjimhood.com



JUVENILE ACCESS TO TOBACCO RETAIL SALES CLERK/EMPLOYEE AGREEMENT

Pursuant to the requirements of Mississippi Code Ann. '97-32-1, et. Seq. (Supp. 1997), I _____ (print full name) understand that state and federal law prohibit the sale or distribution of tobacco products to persons under the age of eighteen (18) years and out-of-package sales and requires that proof of age (photographic identification) be demanded from a prospective purchaser or recipient under eighteen (18) years of age if the individual is not known to the seller, barterer, deliverer, or giver of the tobacco product to be over the age of eighteen (18) years. I promise, as a condition of my employment, to observe this law.

Name of Retail Sales Clerk/Employee



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