Toolkit for Responsible Tobacco Retailers

Atlantic Region

The Toolkit for Responsible Tobacco Retailers was produced in collaboration with

Health Canada Santé Canada

Dear Retailer,

As responsible adults, 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 and tobacco-related products is regulated both by each province individually and by the federal Tobacco Act. 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 polices 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 about the sale of tobacco and the 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 and tobacco-related 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:

Nova Scotia	1-902-424-1890
Newfoundland and Labrador	1-709-729-2104
New Brunswick	1-506-453-7472
Prince Edward Island	1-800-958-6400

Table of Contents

Section 1: Being Informed

About the Responsibility You Have Accepted ..... Page 3
Retail Sales Highlights of Federal and Provincial Tobacco Legislation in Atlantic Canada ..... Page 4
Legal Identification (ID) ..... Page 7
Retailer Penalties in Atlantic Canada ..... Page 8
Questions Asked by Retailers ..... Page 10
Protecting Yourself and Your Community's Youth ..... Page 13
Contact Information for Atlantic Canada ..... Page 14

Section 2: Develop Policies and Procedures

Introduction ..... Page 16
Policies and Procedures – 10 Easy Steps ..... Page 17

Section 3: Employee Training and Tools

Preparing Your Staff ..... Page 19
Training Tools ..... Page 21
- Tobacco Sales Exam ..... Page 21
- Tobacco Sales Exam Answers ..... Page 22
- Problems with IDs Information Sheet ..... Page 23
- Employee Agreement ..... Page 24
- Training Certificate ..... Page 25
- Customer Information Cards ..... Page 26

Section 4: On-Going Monitoring Tools

Monitoring Your Staff Members ..... Page 27
Due Diligence ..... Page 28
Monitoring Tools ..... Page 29
- Monitoring Form Information Sheet ..... Page 29
- Monitoring Form ..... Page 30
- Compliance Check with Test Shopper Report ..... Page 31
- Retailer Tobacco Sales Checklist ..... Page 32

Additional Steps ..... Page 33

About the Responsibility You Have Accepted

Overview

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

Retail Sales Highlights

There are many products on the market these days and, as a retailer, you must understand exactly what materials are considered tobacco and tobacco-related 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 and related products to those under the age of 19.

Legal ID

Not all identification is acceptable for use in the purchase of tobacco and associated products. Knowing which are and keeping your employees informed is a sure way to be on the right side of the law.

Retailer Penalties in Atlantic Canada

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

Questions Asked by Retailers

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

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

Retail Sales Highlights of Federal and Provincial Tobacco Legislation in Atlantic Canada

Providing tobacco to a person under the age of 19 is illegal. This is true for all four provinces.

No one shall give, sell, or provide, in any way, tobacco to anyone under 19 years of age.

The illegal provision of Tobacco Products varies somewhat from province to province, however in all Atlantic Provinces, tobacco products and accessories are subject to self-serve restrictions.

First, here is a definition of tobacco products:

> *Tobacco Products are composed in whole or in part of tobacco. Some tobacco products are cigarettes, snuff, loose tobacco, cigars, cigarillos, bidis, kreteks, chewing tobacco, and pipe tobacco.*

Second is the definition of tobacco accessories or tobacco-related products:

> *These products include tobacco itself, tubes, cigarette papers and filters, pipes, cigarette makers, cigarette holders and cases, and cigar clips.*

Again, in all cases it is illegal to furnish tobacco to a person under the age of 19. However, provinces have added certain other restrictions that you must know.

Retail Sales Highlights of Federal and Provincial Tobacco Legislation in Atlantic Canada

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

- In **New Brunswick** it is illegal to sell cigarette papers, tubes and filters to people under the age of 18.
- In **Prince Edward Island** it is illegal to furnish any tobacco-related product to anyone under the age of 19.
- In **Prince Edward Island**, and in **New Brunswick**, no one under the age of 19 years is permitted to enter a tobacconist shop, which is defined as a shop where the primary business conducted is selling tobacco and tobacco products.
- In **Nova Scotia**, it is illegal to sell cigarette holders, cigarette or tobacco carrying or storage cases, pipe loaders, cigar cutters, specialty tobacco publications or lighters and matches that display or depict logos, trademarks or colours of tobacco manufacturers to people under the age of 19.
- In **Nova Scotia**, no one under the age of 19 years is permitted to enter a tobacconist shop, that is, a shop where the sole business conducted is selling tobacco and tobacco products.
- In **Newfoundland and Labrador**, it is illegal to sell tobacco in any form, including snuff, or a tobacco accessory which may include, pipes, cigarette holders and cigar clips to people under the age of 19. Also, cigarette papers, tubes and filters can be considered products that may be used in the consumption of tobacco and therefore are also illegal when sold to people under the age of 19.

Retail Sales Highlights of Federal and Provincial Tobacco Legislation in Atlantic Canada

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

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

The form and content of these signs is specified by Provincial legislation.

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.

Yes! It is against the law to sell single cigarettes. Cigarettes may only be sold in packages of 20 cigarettes, 25 cigarettes or cartons with 8 packages in them.

Self-service tobacco displays are illegal.

Under no circumstances can customers help themselves to tobacco products before they pay for them.

Countertop Displays

Countertop tobacco displays are absolutely banned in Nova Scotia, Prince Edward Island and New Brunswick. However, in PEI, although countertop displays may not be self serve, they are permitted in tobacconist shops.

In Newfoundland and Labrador, countertop displays are allowed, but customers must NOT be able to access tobacco products before paying for them.

Vending machines selling tobacco products are illegal in most public places

Vending machines that sell tobacco products are completely banned in Nova Scotia and Prince Edward Island.

In New Brunswick and Newfoundland and Labrador, vending machines selling tobacco products are only allowed in places where the public cannot have access to them or 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 specific to each of the four Atlantic provinces

Selling tobacco or related products is illegal in a pharmacy, or in a store where a pharmacy is located in Newfoundland, New Brunswick, Prince Edward Island and Nova Scotia. For a complete list of prohibited locations, please contact your provincial office.

Legal Identification (ID)

It is imperative that you and your employees ask to see valid identification if the person who is requesting to purchase tobacco or products associated with tobacco looks under 25 years of age.

Remember, 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 Atlantic Canada states that only the following pieces of identification or documentation are acceptable to prove a person's age:

- Driver's Licence
- 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. This documentation MUST include the person's photograph and their date of birth. An example may be a government-issued voluntary ID card.

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

Note: Two pieces of government-issued identification, one that contains the person's date of birth and signature, are acceptable in New Brunswick ONLY.

Retailer Penalties in Atlantic Canada

Any retailer who sells or gives tobacco products to anyone under 19 years of age is guilty of an offence and is liable to the following penalties:

Newfoundland and Labrador Tobacco Control Act Penalties

Number of offences	Fine amount	Other penalty
1st offence	$500 AND	Prohibited from selling tobacco for 3 months
2nd offence	$2,500 AND	Prohibited from selling tobacco for 6 months
3rd offence	$5,000 AND	Prohibited from selling tobacco for 9 months

New Brunswick Tobacco Legislation Penalties

Number of offences	Fine amount	Other penalty
Category B Offences - *These are violations within Section 3 (Signage) of the Tobacco Sales Act under the Provincial Offences Procedure Act*		
1st offence	Not less then $140 and not more then $320	
2nd offence	Up to $570	
Category E Offences		
1st offence	Not less than $240 and not more than $2,620	Tobacco license may be suspended for one calendar month
2nd and 3rd offence	Up to $5,120 and/or up to 30 days of imprisonment	Tobacco license may be suspended for double the number of months of any previous suspension

Retailer Penalties in Atlantic Canada

Any retailer who sells or gives tobacco products to anyone under 19 years of age is guilty of an offence and is liable to the following penalties:

Prince Edward Island Tobacco Sales and Access Act Penalties

Number of offences	Fine amount	Other penalty
1st offence	Up to $2,000	Retail vendor's license may be suspended or cancelled according to Section 8 of the PEI Tobacco Tax Act
2nd offence	Up to $5,000	Retail vendor's license may be suspended or cancelled according to Section 8 of the PEI Tobacco Tax Act
3rd or subsequent offence	Up to $10,000	Retail vendor's license may be suspended or cancelled according to Section 8 of the PEI Tobacco Tax Act

Nova Scotia Tobacco Access Act Penalties

Number of offences	Fine amount	Other penalty (mandatory on conviction)
1st offence	Up to $2,000 AND	No selling of tobacco products for 7 consecutive days
2nd offence	Up to $5,000 AND	No selling of tobacco products for 3 to 6 consecutive months
3rd or subsequent offence	Up to $10,000 AND	No selling of tobacco products for 12 -14 consecutive months

Questions Asked by Retailers

What about Operation ID signs?

Operation ID is an initiative of the Canadian Tobacco Manufacturers. Operation ID signage does not replace the requirements under Federal and Provincial tobacco legislation and is not permitted in retail outlets in Nova Scotia where only government authorized signs are acceptable.

What are the fines and penalties?

The fines and penalties for breaking the tobacco control laws vary by province.

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. You must ask for proof of age if the customer appears to be less than about 25 years old. Only government-issued photo identification is acceptable. Student cards are not acceptable forms of identification. In New Brunswick, two pieces of government-issued identification, one with a signature, are acceptable.

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.

Questions Asked by Retailers

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 like losing your tobacco vendor's licence for not doing so.

Along with your license 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 effects to health. 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 Kit to help explain this to customers.

Can I employ someone under the age of 19?

Yes. In Atlantic Canada 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, with the exception of a tobacconist shop in New Brunswick. Clerks just cannot sell tobacco products to people under 19.

What signs do I have to post?

The rules about signage vary depending on your Province. Contact your local enforcement officials for more information about mandatory government signage on the subject of tobacco sales, health warnings and proof of age.

In Nova Scotia, signs, promotions of any kind, and/or displays advertising the purchase or price of tobacco and tobacco products are no longer permitted inside or outside the retail outlet.

Questions Asked by Retailers

What if I choose not to display these signs?

All tobacco retailers are required by law to display these signs. You can be fined if you do not. In some Provinces, repeat offences may result in suspension or cancellation of your license.

What if someone defaces or steals a sign?

Contact your local enforcement officials 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.

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

No. An Enforcement Officer can 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 Enforcement Officer.

Protecting Yourself and Your Community's Youth

Overview

It is a tobacco retailer's obligation to take every step within his or her power to prevent the sale of tobacco products to those under the age of 19. And when you are out of the shop or otherwise busy, you must be able to trust your employees to carry out each tobacco sale within the letter of 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 assist you as the owner/operator to align your shop with the laws of the province in which you live. They help your staff members have a clear understanding of those laws and 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 will avoid selling tobacco to minors.

Develop policies and procedures

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 integral part of your day to day retail operations.

Provide training

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

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

Contact Information for Atlantic Canada

Each of the four Atlantic Provinces has one or more people working to enforce tobacco regulations. Please call them if:

- You have questions or concerns about this Toolkit
- You have questions about tobacco control and its rules and regulations
- You need information about signage
- You want to report a retailer for selling to minors

Nova Scotia

Department of Health Promotion and Protection
Tobacco Control
Summit Place
1601 Lower Water Street
PO Box 487
Halifax, NS
B3J 2R7
Phone: 902-424-1890
Fax: 902-424-3135
Web site: www.gov.ns.ca/ohp/tobaccocontrol.html

New Brunswick

Department of Public Safety
PO Box 6000
Fredericton, NB
E3B 5H1
Phone: 506-453-7472
Fax: 506-444-5950

Contact Information for Atlantic Canada

Prince Edward Island

PEI Department of Health
Environmental Health
PO Box 2000
Charlottetown, PE
C1A 7N8
Toll Free Tobacco Line: 1-800-958-6400
Phone: 902-368-4970
Fax: 902-368-6468
Web site: www.gov.pe.ca/environmentalhealth

Newfoundland and Labrador

Department of Government Services
Environmental Health Program
P.O. Box 8700
Confederation Building, West Block
St. John's, NL
A1B 4J6
Phone: 709-729-2104
Fax: 709-729-5710

*The Federal Tobacco Act, the Nova Scotia Tobacco Access Act and Regulations, the Newfoundland and Labrador Tobacco Control Act, the Prince Edward Island Tobacco Sales and Access Act, the New Brunswick Tobacco Sales Act

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 decisive Policies and Procedures on how your establishment will handle the sale of tobacco products, training your staff to follow them, and monitoring your employees, is one of 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. You must create a policy that states that you and all employees must ask for valid identification from any customer requesting tobacco or tobacco-related products who looks 25 or younger. Within this toolkit are a number of devises 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 Atlantic Canada 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 can not 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 or any related products.

   It is wise to offer your long-time employees refresher training. There may be changes to the laws since they were hired.

Policies and Procedures – 10 Easy Steps

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 included in the Retailer Toolkit for your use.

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.

Preparing Your Staff

With each new product or service your retail establishment offers, you must train your staff. And as you hire new employees, much time is set aside to teach them all the various policies and procedures. Training staff on the best and most efficient methods of retail is 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 retailing tobacco and tobacco-related products. 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 Atlantic Canada including definitions, legal age, and the penalties they could cause 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 access regulations.

Preparing Your Staff

4. Your staff members will look to you for guidance. Help them carry out their jobs by:

    - Showing them how to spot false IDs,
    - Posting the Age Signage stickers in convenient places to make it easy for them,
    - 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, up-dates, reviews, agreements and instructions about store policies and procedures for tobacco sales and the penalties for not following them part of your business routine.

6. Quiz your staff at regular intervals or when some change in the law is announced. 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 about tobacco sales and to make sure there are no misunderstandings.

Employee Training 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 Atlantic Canada?

   _____

   _____

3. What is the rule for selling tobacco-related products like cigarette papers, tubes and filters in your province?

   _____

   _____

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?

   _____

   _____

Employee Signature: _____ ***Date:*** _____

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

Employee Training and Tools

Tobacco Sales Exam Answers

1. Name five tobacco products.

   Any five of the following: cigars, cigarettes, cigarillos, loose tobacco, chewing tobacco, snuff, pipe tobacco, bidis, kreteks, tobacco sticks.

2. When is it legal to sell or provide (furnish) a tobacco product to a person in Atlantic Canada?

   It is only legal when they are *19 years of age or older*.

3. What is the rule for selling tobacco-related products like cigarette papers, tubes and filters in your province?

   Answer depends on the province:

   In *New Brunswick,* it is illegal to sell cigarette papers, tubes and filters to people under the age of 18.

   In *Prince Edward Island,* it is illegal to furnish any tobacco-related product to anyone under the age of 19.

   In *Prince Edward Island,* no one under the age of 19 years is permitted to enter a tobacconist shop, which is defined as a shop where the primary business conducted is selling tobacco and tobacco products.

   In *Nova Scotia,* it is illegal to sell cigarette holders, cigarette or tobacco carrying or storage cases, pipe loaders, cigar cutters, specialty tobacco publications or lighters and matches that display or depict logos, trademarks or colours of tobacco manufacturers to people under the age of 19.

   In *Nova Scotia,* no one under the age of 19 years is permitted to enter a tobacconist shop, that is, a shop where the sole business conducted is selling tobacco and tobacco products.

   In *Newfoundland an Labrador,* it is illegal to sell tobacco in any form, including snuff, or a tobacco accessory which may include, pipes, cigarette holders and cigar clips to people under the age of 19. Also, cigarette papers, tubes and filters can be considered products that may be used in the consumption of tobacco and therefore are also illegal when sold to people under the age of 19.

4. What are the possible penalties for selling a tobacco product to someone who is under 19 years of age?

   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 identification must you see as proof of age before making a tobacco sale?

   Driver's licence, Canadian Forces card (with photograph), passport, a certificate of Canadian citizenship that contains the person's photograph, a Canadian permanent resident document or other government identification *which contains a photograph, signature, and date of birth*.

   * In New Brunswick ONLY, two pieces of government-issued identification (one with the date of birth of the person to whom it was issued) are also acceptable.

7. When examining 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
   The picture – ensure the picture on the ID is the same as the customer
   Look for anything that may indicate that the ID is fake

8. What action will be taken if an employee disobeys tobacco sales policies?

   (This answer will vary from retailer to retailer).

Employee Training and Tools

Problems with IDs

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

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?

Employee Training 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, cigars, chewing tobacco, snuff, bidis, pipe tobacco, loose tobacco, kreteks, tobacco sticks

☐ 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 25 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.

* In New Brunswick two pieces of government-issued identification (one with the date of birth of the person to whom it was issued) are also acceptable.

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.

Employee Training 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.

Employee Training and Tools

Customer Information Cards

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

Customer Information

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 can call your Provincial Tobacco Enforcement Officer.

Nova Scotia	***902-424-1890***
Newfoundland and Labrador	***709-729-2104***
New Brunswick	***506-453-7472***
Prince Edward Island	***1-800-958-6400***

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. A sample Monitoring Form is included as part of the Retailer Toolkit.

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. There is a Compliance Check with Test Shopper Report included within this Toolkit.

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.

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.

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 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.

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

On-Going Monitoring Tools

Monitoring Form

Action Taken	*Results*	*Date*	*Initials*

On-Going Monitoring Tools

Compliance Check 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 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 in Atlantic Canada as well as your store policies? ..... 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 signs posted in the manner and form as described in the Provincial tobacco legislation? ..... Yes ❑ No ❑

Are all tobacco products kept in one 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:*** _____

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.