

Manager's Guide to Training Employees

The Under 27 campaign is jointly sponsored by the Massachusetts Department of Public Health and the Office of Attorney General Martha Coakley. The aim of the campaign is to increase awareness among retailers, their employees, and the general public about state and local tobacco sales laws and to encourage retailers to comply more effectively with these laws, particularly as they relate to the sale of tobacco products to minors.

For more information, contact your Board of Health or visit www.under27.org



MANAGER'S GUIDE TO TRAINING EMPLOYEES

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Attorney General's Regulations

THE COMMONWEALTH OF MASSACHUSETTS prohibits the sale of cigarettes and other tobacco products to minors. To prevent illegal sales of tobacco products to persons under 18 the Massachusetts Attorney General's regulations require that:

- Store clerks must **verify the age** of any customer wishing to buy tobacco who looks younger than 27 years of age, with a valid government-issued photo identification card (I.D.) (940 CMR 21.04(2)(b); 22.06(2)(b))
- All tobacco products sold by a retail outlet **must be sold in a direct face-to-face exchange**. Self-service sales are prohibited, except vending machines in establishments licensed to serve alcoholic beverages, so long as the machines employ a lock-out-device, are within the sight and control of an employee, and are posted with a notice that minors are prohibited from purchasing tobacco. Self-service displays may be located within adult-only retail facilities. (940 CMR 21.04(2),(4); 22.06(2),(4))
- Retailers **may not break open packages** of cigarettes, little cigars or smokeless tobacco product to sell them in an amount smaller than the smallest package made by the manufacturer. (940 CMR 21.04(1)(b); 22.06(1)(b))
- Retailers must **implement all measures reasonably necessary** to prevent the sale of tobacco to persons younger than 18 years of age. Retailers with fewer than six employees are presumed to satisfy this requirement if they **conduct a training program for all employees** about following tobacco sales laws. Retailers with six or more employees are presumed to meet this requirement if they conduct the training program and also undertake a "secret shopper" program to monitor tobacco sales, or if they have received a written notification of compliance from a state or local authority. (940 CMR 21.04(3); 22.06(3))

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MANAGER'S GUIDE TO TRAINING EMPLOYEES

Purpose of the Guide

As the manager of a retail establishment that sells tobacco, you are responsible for educating your employees about the laws controlling the sale of tobacco products to minors. This Manager's Guide is designed to help you and your employees follow Massachusetts state law and the regulations of the Attorney General. The Guide provides an outline, key points and handouts for an employee training session led by the retail store manager.

Initially, you should provide training about tobacco sales to all sales clerks and other employees involved in tobacco sales. As you hire new people, include this training in their new employee orientations. On a regular basis, reinforce this training. If you need assistance with organizing a training session, please contact your local Board of Health or the statewide Massachusetts Tobacco Control Program. Questions regarding the Attorney General's regulations should be directed to the Office of the Attorney General or by visiting www.under27.org or calling 1-800-992-1895.

Setting the Stage

As a manager, you can take steps that will make it easier for employees to follow tobacco sales laws.

First, be sure that employees know you will not allow tobacco sales to minors, provide a written store policy to all employees, stating that your business will not sell tobacco to anyone under 18, and explaining the consequences for employees who do not follow the policy. (A suggested Employer Agreement is included at the back of this Guide.)

Second, place reminders throughout the store. Hang signs to remind *BOTH* employees and customers that: 1) tobacco products will not be sold to anyone under age 18 and 2) a photo I.D. will be required to verify the customer's age. Signs to inform customers, and reminder signs for employees, are included in your Retailer Kit.

Preparing for the Training Session

1. Be sure you have a clear understanding of the laws and regulations controlling tobacco sales. Read *Comprehensive Summary – Massachusetts Tobacco Sales Laws* included in your Retailer Kit. If you are not sure what your city or town's regulations are, call the local Board of Health to find out.

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2. Read through this Manager's Guide, including the handouts at the back, before the training session.
3. Think about possible questions employees may have and your responses for issues faced by your store.
4. Make copies of the handouts available with this guide for everyone who will be attending the training session.
 - Summary of Massachusetts Tobacco Sales Laws
 - Why Is It Important?
 - How to Outsmart a Sales Clerk
 - Selling Tobacco Products Pre Test
 - Selling Tobacco Products Post Test
 - Required Signs for Tobacco Sales
 - Employee Agreement
 - Checking Massachusetts I.D.
 - Checking Out-of-State I.D.
5. Gather pencils, paper and any "props" (for example, a Massachusetts driver's license) that you may need.

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OUTLINE OF THE TRAINING SESSION

This section gives a detailed plan for the training session. Guidelines for you, the session leader, are presented in italics. Key points to make are marked with a ❖.

- I. Manager Presentation
 - A. Introduction/Goals of Training Session
 - B. Youth and Tobacco
 - C. Review of Laws
 - D. How to Check I.D.
 - E. How to Handle Difficult Situations
- II. Discussion and Questions
- III. Tests and Employee Agreement Form
- IV. Reinforcement of Training

I. MANAGER PRESENTATION

A. Introduction/Goals

*If there are new employees in the group, have everyone introduce themselves. Have employees complete and score the test, **Selling Tobacco Products Pre Test**. Then explain the purpose of this meeting, making the following key points:*

Goals of this meeting/training program

- ❖ To help you understand state laws about the sale of tobacco products
- ❖ To explain why it is important to ask for I.D. when young people try to buy tobacco products
- ❖ To help you feel more comfortable asking customers for I.D.

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B. Youth and Tobacco

Give each employee a copy of the handout **"WHY IS IT IMPORTANT?"**, and give them a few moments to review it. Emphasize these key points:

- ❖ Most adults who now smoke began smoking BEFORE the age of 18, the legal age to buy cigarettes. If a person has not started smoking by age 18, they will most likely NEVER start.
- ❖ When you stop people under 18 from buying cigarettes, you are helping to prevent kids from becoming addicted to tobacco, AND you are obeying the law.

C. Review of Laws

Give each employee a copy of the handout **Summary of Massachusetts Tobacco Sales Laws**. Discuss each law and regulation, making the following key points:

Overview of Tobacco Sales Law

- ❖ It is *against the law* to sell any tobacco product to anyone under the age of 18.
- ❖ Tobacco products include: cigarettes, cigars, chewing tobacco, little cigars, cigarillos, pipe tobacco and bidis.
- ❖ You must verify the age of any customer wanting to buy tobacco who looks younger than age 27, by checking date of birth on a photo I.D.
- ❖ Failure to obey the law may result in fines and other penalties

MASSACHUSETTS GENERAL LAW CHAPTER 270, Section 6

- ❖ The law reads: *Whoever sells a cigarette, chewing tobacco, snuff or any tobacco in any of its forms to any person under the age of eighteen or, not being his parent or guardian, gives a cigarette, chewing tobacco, snuff or tobacco in any of its forms to any person under the age of eighteen shall be punished by a fine of not less than one hundred dollars for the first offense, not less than two hundred dollars for a second offense and not less than three hundred dollars for any third or subsequent offense.*

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- ❖ A copy of the law must be posted “conspicuously” where cigarettes are sold, (M.G.L. c. 270, s.7)

ATTORNEY GENERAL'S REGULATIONS

- ❖ Store clerks must verify the age of any customer wanting to purchase tobacco who looks younger than 27 with a valid government-issued photo I.D. (940 CMR 21.04(2)(b); 22.06(2)(b))
- ❖ Sale of unpackaged or repackaged cigarettes (“loosies”) is prohibited. (940 CMR 21.04(1)(b); 22.06(1)(b))
- ❖ Tobacco products generally must be sold in a direct, face-to-face exchange. No self-service is allowed except in adult-only facilities. (940 CMR 21.04(2),(4); 22.06(2),(4))
- ❖ Free samples of tobacco products are not allowed, except in adult-only facilities. (940 CMR 21.04(1)(a),(4)(d); 22.06(1)(a),(4)(d))

SIGNS TO INFORM CUSTOMERS

*Show employees a copy of the Department of Public Health's sign and cash register sticker, and tell them where in your store these signs are posted. If you don't have extra copies of the signs to show, pass around the **Required Signs for Tobacco Sales** sheet.*

- ❖ By law, store owners/managers must post a sign where it is clearly visible to Customers which contain the full text of Massachusetts General Laws, Chapter 270, Section 6. See full text in italics above (M.G.L. c. 270, s. 6, 7).
- ❖ In food establishments a small sign (sticker) must be hung on each cash register, saying “Sale of cigarettes or any tobacco product to persons under age 18 is illegal” (*Massachusetts State Sanitary Code 105 CMR 590.009 (F)*). This sign is also recommended in other retail locations selling tobacco products

Point out any other signs that you as manager have posted to remind both customers and employees about the law. Suggest to employees that they can direct customers' attention to these signs, when someone questions why they must show I.D.

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LOCAL REGULATIONS

Describe any local regulations, by-laws or ordinances regarding tobacco sales that are in force in your city or town. The local Board of Health may have handouts describing these regulations that you can give to your employees.

ENFORCEMENT OF THE LAW

- ❖ “Compliance checks” are conducted by state and local authorities, including Boards of Health, to monitor compliance with the laws relating to the sale of tobacco to minors.
- ❖ For example, an “undercover” youth less than 18 years old may enter the store and try to buy a tobacco product. If the tobacco is sold to this youth, the store and the clerk are subject to penalties, as defined in state and local regulations.

D. How to Check I.D.

*Give each employee a copy of the **Checking Massachusetts I.D.** and **Checking Out-of-State I.D.** fact sheets. This fact sheet is a take-away reminder of the key points listed below. When you talk about acceptable forms of I.D., it may help if you can pass around an example of each type (driver's license, passport, etc.)*

- ❖ It's very hard to tell a young person's age without asking for I.D. Height, build, clothing, etc., can make you think someone is older than they really are, Ask yourself: “Could this customer be under 27?” If the answer is yes, or if you are unsure, ask to see a photo I.D.
- ❖ It is best not to take the product from the shelf or hand it to the customer until AFTER you check the I.D.
- ❖ Acceptable forms of I.D.
 - The I.D. must be *issued by the government* and include the date of birth and a **photo** of the person. The I.D. must also be valid. Acceptable forms of I.D. are driver's license, state liquor I.D., state I.D. card (this I.D. is vertical and can be issued to residents as young as age 16, check birth date carefully), military I.D., passport or immigration card.
 - NOT acceptable: library card, work I.D., expired government I.D., etc.

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- ❖ Check the date of birth to be sure the customer is 18 or older. To buy cigarettes, the person must have been born by today's date 18 or more years ago. For example:
 - If today's date is May 4, 2007 the customer's date of birth on the I.D. must be on or before May 4, 1989.
 - If today's date is September 18, 2008, the customer's date of birth on the I.D. must be on or before September 18, 1990.
- ❖ Check for false I.D.: Does the photo match the person? Does the picture or date of birth look changed in any way?
- ❖ Politely refuse to sell tobacco to anyone who refuses to show I.D., or who does not have the right kind of I.D.
- ❖ If the customer complains, explain that it is against the law to sell tobacco products to persons under 18, and that you must check I.D. to be sure of the customer's age.
- ❖ DO NOT ACCEPT NOTES or phone calls from adults giving permission to a minor to buy tobacco.
- ❖ If you have doubts, you should refuse the sale. Store managers will support your judgment in this.

*Give employees the handout **How to Outsmart a Sales Clerk** and give them a minute or two to look it over.*

E. How to Handle Difficult Situations

To begin this part of the presentation, you may want to ask employees what kinds of problems they think they might face when they ask customers for I.D. When someone mentions a problem, ask the group to come up with some ways to handle it. In the course of this discussion, be sure to make the following key points:

REFUSING A SALE:

- ❖ Check I.D. before picking up the product (the cigarettes), keeping it out of the customer's reach. This way the customer cannot throw money down, grab the product and leave.

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- ❖ Be polite but firm in refusing the sale. Explain that you can't sell tobacco products without a proper I.D. because of state law. Explain that you could be fined or lose your job for breaking the law.
- ❖ Continue processing their other items. If they have nothing else, move on to the next customer.

THIRD PARTY SALE:

- ❖ It is against the law for a person over the age of 18 to buy cigarettes or other tobacco products for a minor (a person under 18), unless the minor is that person's child or under that person's guardianship.
- ❖ If you have a feeling that someone is buying tobacco for a kid outside, let them know they can be fined for giving cigarettes to a minor.

ATTEMPT TO PURCHASE WITH A NOTE:

- ❖ If a minor comes in with a note from his or her parents, you must still refuse the sale.
- ❖ Even if you know the parents, or they are sitting right outside in the car, it is against the law to sell tobacco to any person under 18.

BEING THREATENED:

- ❖ If a customer threatens to harm you, sell/give them the cigarettes. Do not put yourself in danger. Try to get a good look at them and their car (if they have one), and call the police to let them know what happened.
- ❖ Call the Board of Health and let them know what happened in case anyone calls to complain that you sold to someone without an I.D.

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II. DISCUSSION AND QUESTIONS

It is important to take the time to be sure that all employees understand the law and are comfortable asking for I.D. Listen to employee questions and concerns and answer them as best you can. Discuss any other issues that you think may come up in your store, for example:

- ❖ Does your store serve customers who speak a variety of languages? Could this affect the employee's ability to explain the law or to determine age?
- ❖ Could an employee be more tempted to sell tobacco without checking I.D. due to time of day, the gender or race of the customer, or the number of clerks on duty?
- ❖ How should an employee best deal with an underage friend who wants to buy tobacco?
- ❖ What are the consequences for the employee if they are caught selling tobacco products to minors?

To end the training make sure that your store policy on tobacco sales is absolutely clear to employees. Remind employees that it is up to them to protect themselves and your store from fines and other penalties. Let them know that by not selling tobacco products to people under 18, they are helping to prevent youth addiction to cigarettes and other forms of tobacco.

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III. EMPLOYEE TEST, EMPLOYEE AGREEMENT FORMS

*Have employees complete and score the test, **Selling Tobacco Products Post Test**, as a review of the information covered in the training session. After the test has been completed, all employees should read and sign the **Employee Agreement** form. A signed copy of this form should be kept in each employee's personnel file.*

IV. REINFORCEMENT OF TRAINING

On a regular basis, remind employees about your store's policies: no tobacco sales to anyone under 18, and asking for a photo I.D. to check date of birth and verify age. Remind employees of these policies at meetings, by posting notices in the break area, through payroll stuffers, etc. Given high turnover rates among retail employees, it is important to offer this training on a regular basis.

Congratulations! By using this guide to train your employees, you have taken a very important step towards stopping the sale of tobacco products to minors. Thank you for your help in protecting the health of Massachusetts youth!

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