

Alberta Tobacco Retailer Toolkit:

Preventing Illegal Tobacco and Vape Sales to Alberta Youth

As described under the *Tobacco, Smoking and Vaping Reduction Act* and Regulation



Healthy Albertans. Healthy Communities. Together.

Alberta Retailer Toolkit is available online at
www.ahs.ca/tsvra
Email: TobaccoVapingEnforcement@ahs.ca

*Nothing in this guide should be interpreted as legal advice.
In the event of a conflict between any information in this guide
the provisions in the TSVRA 2020 and regulation apply.*

Version 2 – February 7, 2022



Tobacco, Smoking &
Vaping Enforcement

There's no such thing as 'safe' tobacco products! Retailers *and* employees play an important role preventing Alberta youth from using tobacco and vaping products.



Under 18 (Minors)

As a person who sells tobacco and vaping products, you play an important role protecting those under the age of 18 (minors) from the serious health effects of tobacco and vaping products.

Retailers who followed the law contributed to the record low number of youth under 18 who smoked because they weren't able to buy cigarettes as easily, especially from retail stores.

In 2018, 24% of Alberta students under 18 bought tobacco. Across Canada, 38% of students under 18 bought vaping products from a retail store or online vendor.

Retail sources are a more common place to get these products as students get older. Of students in grades 7 to 12, 58% thought it would be 'fairly easy' or 'very easy' to get tobacco or vaping products if they wanted them.

Smoked or Heated Tobacco

7,000 Chemicals

Using any smoked tobacco product or being exposed to tobacco smoke may cause serious illnesses like heart disease, respiratory disease, birth defects, and cancer. Tobacco smoke is considered an environmental toxicant. It contains more than 7,000 chemicals—more than 70 of these chemicals are known to cause many types of cancer.

IQOS (I Quit Ordinary Smoking) alternatives are based on 'heat not burn' technology. IQOS are battery-operated devices into which a heat stick containing a tobacco plug shaped into sticks, pellets, or strips is inserted. The heat produces vapour instead of smoke, delivering high doses of nicotine and flavours.

Smokeless Tobacco

Nicotine exposure equal to someone who smokes 30 to 40 cigarettes per day.

These products (including chew, snus, and snuff) contain 3000 toxic chemicals—28 of them are known to cause cancer. Many of these toxic chemicals are the same ones found in smoked tobacco. The amount of nicotine absorbed when using smokeless tobacco is 2 to 3 times the amount that someone gets from a cigarette. A person who dips or chews 8 to 10 dips per day gets the same amount of nicotine as someone who smokes 30 to 40 cigarettes per day.

Smokeless tobacco causes gum disease and cavities. Teens have lost teeth, and developed cancer of the mouth, cheeks, gums, and throat from smokeless tobacco. There's no evidence that good oral care, like brushing and flossing regularly can reverse the damage that's done to teeth and gums from using smokeless tobacco.

Vaping Products



Vaping liquid that has nicotine in it is poisonous, especially to young children! Even in small amounts, vaping liquid containing nicotine can be very harmful if swallowed or absorbed through the skin.

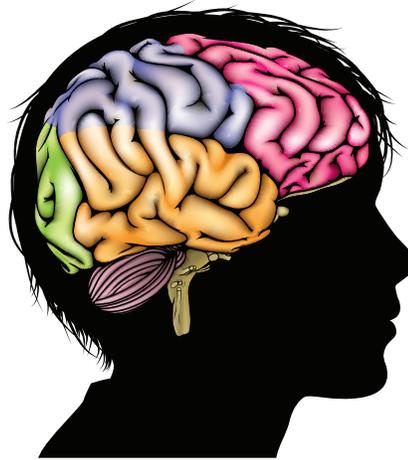
Children have become very ill and even died of nicotine poisoning from swallowing vaping liquid.

We're still learning more about how vaping affects health. Some early evidence shows that there are risks, like lung damage, a higher risk of having a heart attack, and nicotine poisoning and addiction (especially in youth).

Vaping can make smoking look 'normal' among youth. We know that youth who use vaping products with nicotine can become addicted and are at more risk of starting to smoke tobacco.

The brain is developing up to age 25, making it more sensitive to nicotine addiction. Some youth become nicotine dependent within a day of their first vape.

The brain is developing up to age 25.



Using nicotine has risks—it's very addictive! Youth are especially sensitive to the harmful effects of nicotine, including addiction. They can become dependent on nicotine with less exposure than adults.

As a responsible retailer or employee, you can help save lives! We invite you to become an active partner in protecting the health of your customers and community.



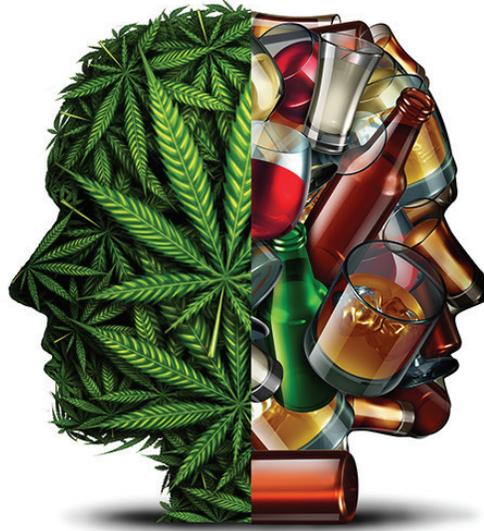
Toolkit

This toolkit will give you and your staff the information and resources to help reduce the chances that those under 18 will have easy access to tobacco and vapes. It will also make clear that you will bear the legal and financial consequences of selling tobacco or vapes to a minor.

Tobacco Use and Health

Youth who start using nicotine products before they're 25 have a hard time quitting. Teens who use nicotine products are also more likely to start using alcohol and drugs. By comparison, those who don't use nicotine products before they're 18 will most likely never start.

Teens using nicotine more likely to start using alcohol and drugs.



Youth under 18 who smoke show early signs of heart disease and are at a greater risk of having a stroke. Youth who smoke tend not to be as physically fit (both in performance and endurance), have a faster heart rate, are more easily short of breath, and are at an increased risk of lung cancer. Youth who smoke are also more likely to have seen a doctor or other health professional for an emotional or psychological complaint.

The *Tobacco, Smoking and Vaping Reduction Act* (TSVRA) or 'Act' helps protect the health of young people in Alberta. You can help protect them too.

It's illegal to sell tobacco or vaping products to minors, so don't. Protect yourself from the legal and financial consequences of selling to minors. If you use tobacco or vape, quit. For more information or help, visit www.albertaquits.ca

Preventing Illegal Tobacco and Vape Sales to Alberta Youth

Alberta Health Services is pleased to offer this toolkit as a resource to help retailers and their employees comply with the *Tobacco, Smoking and Vaping Reduction Act* (Act) and *Tobacco, Smoking and Vaping Reduction Regulation* (Regulation), especially selling to youth under 18 (minors).

It's your responsibility as the retailer to comply with the Act, develop in store policies, and train staff.

This toolkit gives you information about your responsibilities under the Act and Regulation. The information will help you to:

- develop policies and procedures for tobacco and vape sales in your store
- train all staff, including managers, supervisors, and clerks
- monitor employees to ensure they're following the law under the Act and Regulation and your store policies and procedures.



Retailers are encouraged to take whatever steps they feel they need to ensure their store and staff comply with the Act.

This toolkit has information and resources that you'll find helpful. It's up to you to choose which resources will prevent you or your staff from selling tobacco and vaping products to minors.

Although this toolkit has a lot of information, it doesn't cover everything. Retailers are encouraged to develop and use other steps they feel they need to ensure that they and their staff comply with the Act and Regulation.

For more information about the Act and Regulation and/or the contents of this toolkit, please call 310-0000 (toll-free in Alberta).

https://www.qp.alberta.ca/documents/Acts/2020ch17_unpr.pdf

Section 1: Alberta's Tobacco, Smoking and Vaping Reduction Act and Regulation

- Definitions
- Regulation Highlights
- Identification
- Signage
- Penalties

Section 2: Employee Training Manual

- Who to ask for ID
- Checking ID
- Refusing a Sale
- Sample Scripts for Clerks
- Common Questions Retailers Ask

Section 3: Retailer Guidelines and Supports

- Preventing Tobacco and Vaping Sales to Minors
- Training
- Monitoring Staff
- Other Ideas

Section 4: Forms



- Retailer Tobacco and Vape Sales Prevention Checklist
- Tobacco and Vape Sales Prevention Exam
- Tobacco and Vape Sales Prevention Exam Answers
- Employee Agreement
- Sign-In Sheet
- Training Certificate
- 'Before this Date' Sign
- 'ID Required' Sign

Training Certificate

Section 5: References

- Federal Laws
- Municipal Laws

How to Use this Resource



**Anyone under
18 years old**

Alberta's tobacco and vaping control legislation was updated in 2020 to protect young people from the health harms of tobacco and vaping products. The Act makes it illegal for anyone to furnish (give, sell, lend or barter) tobacco or vaping products to anyone under 18 years old.

This toolkit will help you develop store policies, procedures, and employee training about tobacco and vape sales in your stores. Training employees helps them follow the laws about selling tobacco and vaping products as they carry out their duties.

This toolkit is for anyone (owners, managers, supervisors, and staff) who sells tobacco and vaping products.

The resources and information will help you and your staff avoid the legal and financial consequences of selling tobacco or vaping products to a minor.

Step 1: Read Section 1: Tobacco, Smoking and Vaping Reduction Act and Regulation. It will give you more details about Alberta tobacco and vaping laws. It also includes information about how the owner/operators of stores selling these products may be held responsible if an employee sells tobacco or vaping products to a minor.

Step 2: Read Section 2: Employee Training Manual. It gives the owner/operator guidelines and suggestions to help develop store policies and procedures to prevent selling tobacco or vaping products to minors.

Step 3: Read Section 3: Retailer Guidelines and Support. This section has the information you need to set up a training program. Use it to ensure you train all your employees before allowing them to sell tobacco or vaping products.

Step 4: Forms: Review the resources in this section:

- Retailer Tobacco and Vape Sales Prevention Checklist (Sample)
- Policies and Procedures Checklist (Sample)
- Tobacco and Vape Sales Prevention Exam (Sample)
- Employee Agreement (Sample)
- Sign-in Sheet (Sample)
- Training Certificate (Sample)
- 'Before this Date' sign
- 'ID is Required' sign



Step 5: Give each of your staff an exam (see the sample Tobacco and Vape Sales Prevention Exam on page 28): The exam will make sure they understand the laws and store policies. If they don't pass, review the information with them again. It's strongly recommended not to allow them to provide tobacco or vaping products until they've passed the exam or shown that they understand the laws and policies.

Step 6: Complete the Training Certificate (page 32): Have the employee sign and date the exam after they pass it.

Step 7: Review the Employee Agreement (page 30): Have the employee sign and date the agreement once they read and understand it. Make sure the employee understands the agreement.

Step 8: Monitor employees. The owner/operator must act when they have employees who aren't following store policy, the Act, or the Regulation. This may include re-training and supervision until the owner/operator is satisfied the employee is following store policy.



Retailer Tobacco and Vaping Sales Prevention Checklist

- Complete the **Retailer Tobacco and Vaping Sales Prevention Checklist** (Section 4) This checklist should be repeated often to make sure the store policy, Act, and Regulation are being followed.

Step 9: Take any other steps that you feel will prevent tobacco or vape sales to minors. You may wish to use the sign-in sheet on page 29 as another way to prevent selling tobacco or vaping products to minors.

Step 10: Document and keep copies of all steps you as the owner/operator take to prevent tobacco and vape sales to minors and other violations.

You can download and print the manual and any of its contents: sample agreements, exams, check lists, certificates, and sign-in sheets as you need them from <https://www.ahs.ca/tsvra>

Section 1: Tobacco, Smoking and Vaping Reduction Act and Regulation

Definitions



Advertise: ‘To use any commercial communication, through any media or other means that is intended or is likely to have the effect of (i) creating an awareness of, or association with a tobacco product or vaping product, a brand of a tobacco product or vaping product or a manufacturer or seller of a tobacco product or vaping product, or (ii) promoting the purchase or use of a tobacco product or vaping product or a brand of tobacco product or vaping product.’

Furnish: To (a) sell, (b) lend, (c) assign, (d) give or send, with or without consideration, or (e) barter or deposit with another person for the performance of a service.

Manager: ‘An employer or other person who, directly or indirectly, controls, directs or is responsible for a place or who controls the activities in the place.’

Minor: ‘A person who is under 18 years of age.’

Promote: ‘To use any commercial act or practice that is intended to encourage or is likely to encourage the purchase or use of a tobacco product or vaping product, or a brand of tobacco product or vaping product, or to create an awareness of, or association with a tobacco product or vaping product, a brand of tobacco product or vaping product or a manufacturer or seller of a tobacco product or vaping product.’

Retailer: ‘A person engaged in a business that includes the sale of tobacco products or vaping products.’

Tobacco product: ‘Subject to the regulations, a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy. Examples include Cigarettes, Loose Tobacco, Tubes, Cigars, Blunt Wraps, Smokeless Tobacco (chewing tobacco/snuff), Pipe Tobacco, Tobacco Sticks, and Tobacco Pellets or compressed tobacco for use in ‘heat not burn’ tobacco products.’

Vaping Product: ‘Subject to the regulations, a product or device that contains a power source and heating element intended for vapourizing a substance for inhalation, such as a solid, liquid or gas substance, whether or not they contain nicotine, that’s intended for use in a vaping product and produces a vapour. Cannabis is exempt and is controlled separately under the Cannabis Act.’



Manager



Highlights of Tobacco and Vaping Laws: How Youth are Protected

The following section lists how youth are protected from the sale of tobacco and vaping products and accessories: It's illegal to give, sell or provide in any way, or offer to sell a tobacco or vaping products to anyone under 18.



Ask anyone who looks under 25 for ID

- It's illegal to give, sell, or provide in any way, or offer to sell a tobacco or vaping product to someone who looks younger than 25 unless the employee has asked for an approved form of ID that confirms the person is at least 18 years old.
- Tobacco and vaping products may not be furnished to a minor in a public place.

Tobacco and vaping products and promotional items can't be displayed in a retail outlet where a minor would have access to them.

- If minors can enter the store, tobacco and vaping displays must be hidden from view.
- In an age-restricted establishment, tobacco and vaping products may be displayed as long as they can't be seen from outside.
- All tobacco and vaping retailers must prevent minors from seeing and accessing their tobacco and vaping products and promotional items. There are no exceptions.

Retailers that sell tobacco and vaping products must display signs that state it is against the law to sell tobacco and vaping products to minors. The manager must ensure that signs stating that it's illegal to sell tobacco products to minors are posted and are always displayed.

Tobacco and vaping products can't be sold in health facilities, public post-secondary institutions, pharmacies and retail stores where pharmacies are located, at any temporary, or mobile locations, or from a vending machine.

It's illegal to sell cigarettes, little cigars, and/or blunt wraps in packages of less than 20.

It's illegal to sell cigarettes, little cigars, and/or blunt wraps with additives that have flavouring properties or are used to enhance flavouring ,including menthol.

Being convicted of violating the Act and Regulation can result in a huge fine not more than \$10,000 for the first offence to not more than \$100,000 for each offence after that.

Can result in a huge fine not more than \$10,000 for the first offence to not more than \$100,000 for each offence after that.



It's important to know the laws about selling tobacco and vaping products!

It's illegal to provide tobacco or vaping products to a minor

It's illegal to give, sell, or provide in any way, or offer to sell a tobacco or vaping product to anyone under 18 years of age in any public place or a place where smoking tobacco or vaping is prohibited. A minor is someone who looks younger than 25 unless the employee has asked for an approved form of ID that confirms the person is at least 18 years old.

Identification

It's illegal to give, sell, or provide in any way, or offer to sell a tobacco or vaping product to someone who looks younger than 25 unless the employee has asked for an approved form of ID that confirms the person is at least 18 years old.



Approved forms of ID

Approved forms of ID include:

- an operator's license or driver's license
- a passport
- a Canadian permanent resident document
- Canadian Armed Forces ID card
- any other documentation issued by the federal government or a provincial government or a foreign government

Employees under 18

An employee who's under 18 is allowed to sell tobacco and vaping products; but an employee who's 17 or younger who smokes or otherwise uses a tobacco or vaping product is breaking the law.

Selling single cigarettes, little cigars, and blunt wraps is illegal

Selling single cigarettes, little cigars, and blunt wraps to anyone is illegal. These products may be sold in packages of no less than 20.

Selling tobacco or vaping products is not allowed in certain locations.

The sales of tobacco and vaping products is prohibited in health facilities, public post-secondary institutions, pharmacies and retail stores where pharmacies are located, at any temporary or mobile outlets or premises, or from a vending machine.

Signage



Must be posted and visible

Signs that Prohibit Selling Tobacco and Vaping Products to Minors

Retailers that sell tobacco and vaping products must have signs that prohibits selling tobacco and vaping products to minors. The signs must be posted:

- a) at every location in the retail store where tobacco and vaping products are sold, and
- b) where it's very noticeable, is not obstructed, and can clearly be seen by anyone working as a sales clerk

A sign that prohibits selling tobacco and vaping products to a minor must:

- a) have a total surface area of not less than 600 cm² (96 inches²) and minimum dimensions of 20 cm x 30 cm (8 inches x 12 inches)
- b) state "It is prohibited by provincial law to sell tobacco products or vaping products to persons under 18 years of age", which must:
 - (i) be centred
 - (ii) be set out in black Helvetica bold type font on a white background
 - (iii) be set out in a size that is clearly legible and must use 30% to 40% of the total surface area of the sign
 - (iv) use an upper case letter for the first letter of the message and lower case letters for the rest of the message
 - (v) be surrounded by a red border that is 1 cm to 1.5 cm (.39 inches x .59 inches) wide along the edges of the sign.

Posting Signs about Sales to Minors

The manager must ensure that signs stating that it's illegal to sell tobacco products to minors are posted and are always displayed, as per the Regulation.

No person other than a manager or a person instructed by the managers shall remove, alter, deface, conceal, or destroy a sign that's posted or displayed under this Act.

Tobacco and Vaping Products Must Not be Displayed

No person shall, in any place where tobacco and vaping products are sold or offered for sale, display, or permit the display of tobacco or vaping products in any way that would allow a consumer to view or handle a tobacco or vaping product before buying it. (This means that tobacco and vaping display units must be closed at all times.)

Tobacco and Vaping Products Must Not be Advertised or Promoted

No person shall advertise or promote tobacco and vaping products:

- in any place where tobacco and vaping products are sold or offered for sale, or
- in any manner if the advertisement or promotion can be seen from outside a place where tobacco and vaping products are sold or offered for sale.

Tobacco and vaping display units must be closed at all times.

Despite the information above, a retailer (1) may have one or more signs that lists only the tobacco or vaping products offered for sale and their prices if the signs meet the regulation requirements and (2) use text-only materials for tobacco and vaping products under the conditions identified in the regulation.

Signs Listing Products and Prices

Signs listing tobacco and vaping products offered for sale and their prices in a place described above must meet the requirements below:

- only 1 sign per till
- no more than 3 signs in the place
- the text of the sign must not be visible from outside the place
- the maximum size of the sign is 968 cm² (150 inches²)
- the sign must be white, except for its text, which must be black
- the text is no higher than 18 mm (.75 inches)
- the text size and style must be the same in all parts of the sign, and the text must not contain italics, bold type, or underlining
- signs may include the name and price of a tobacco or vaping product but may **not** contain any other wording, pictures, logos, or other illustrations.

Not complying with the laws has consequences!

Upon being convicted of any offence any retailer who violates the rules under the Act or Regulation is guilty of an offence.

Fines for not complying with sections of the Act and Regulation range from a fine of not more than \$10,000 for a first offence, to not more than \$100,000 for a second offence.



Checking ID

Violation	First Offence	Second or Subsequent Offence
Selling tobacco or vaping products to a minor or not checking ID for a customer that looks younger than 25.	Up to \$10,000	Up to \$100,000
Violating the restrictions on signage, display, and advertisement requirements.	Up to \$10,000	Up to \$100,000

In addition, a peace officer can issue a violation ticket under the Regulation for any of the violations above.

Prohibition Order

If a retailer is convicted of 3 or more offences for violating Sections 7.1 or 7.2, the Minister may, by order in writing, forbid the retailer to sell tobacco and vaping products at the place at which the offence took place, or at any place to which the business of the retailer is moved, for the time the order states.

Corporations

If a corporation commits an offence under this Act, any officer, director, or agent of the corporation who directed, authorized, assented to, acquiesced in, or took part in committing the offence is guilty of that offence and liable to the penalty set out for the offence, whether or not the corporation has been prosecuted for or convicted of that offence.

The Minister may, as per the regulations to enforce the Act, publish the following information about a retailer:

- a) the name of the retailer
- b) the address of the retailer
- c) the type of retailer
- d) any other information prescribed by the regulations.



Corporations

Vape shops don't allow minors in their stores.



Exceptions for Adult-Only Tobacconists and Speciality Vape Shops:

A tobacconist is a person who sells at retail only tobacco, cigars, cigarettes, or tobacco-related products, including cigarette paper, matches, lighters, cigar and cigarette holders, pipes, pipe cases, pipe cleaners, pouches, and humidors.

Speciality vape shop means the retail premise where a person/retailer sells at retail-only vaping products and vape-related products, including vaping product replacement parts, batteries, charges, vaping product assembly supplies, wraps, stands, and cases.

Tobacconists and speciality vape shops may be exempt from some laws related to the display and advertising of tobacco and vape products. Specifically, if a tobacconist or vape shop doesn't allow minors in their premises, sections of the TSVRA related to the display of tobacco and vaping products doesn't apply to them. Also, tobacconists and speciality vape shops may display a sign visible outside the retail premises with the name of the business.

Vaping products can be offered for sampling in speciality vape shops if:

- sampling is done only so that the customer can decide whether to buy the vaping product;
- minors are not allowed;
- the shop has floor-to-ceiling walls;
- employees aren't allowed to sample while on duty;
- they only sell vaping and vaping related products; and
- the shop has doors, walls and ceiling structures that physically separate the shop from others next to them where vaping is not allowed.

Regulations for text-only advertising:

A vaping product retailer may use text-only advertising:

- The retailer provides advertising materials in hard copy and the materials have only the following visible characteristics
 - Black text on a white background
 - Each character in the text of the materials has the same font and type size with no bold, italics or underlining in the text;
- The advertising materials must have no visual effect or other effect that may draw attention to the materials;
- The advertising materials are provided only on request to customers who are at least 18 years old, and after checking ID for those who appear less than 25 years;
- The advertising materials are kept behind the counter at the retail location.
- Minors cannot handle or distribute the advertising materials unless working as an employee.

Please note that the exemption to text-only advertising is subject to federal *Tobacco and Vaping Products Act (TVPA)*.

Section 2: Employee Training Manual



Although someone can look older, they can easily be underage. That's why checking their age with approved ID is important.

Ask for photo ID from anyone who looks 25 years of age or younger.

Trying to guess someone's age can be hard! Although these people may look older, in fact they are all between 14 and 17 years old. Therefore, it would be illegal to sell tobacco products to any of them.

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

4 steps for checking ID:

1. ID card

Look at the ID card. Is it one of the ID cards accepted to prove age?
If not...no sale!

2. Date of birth

Look at the date of birth and determine the person's age.
Under 18...no sale!

3. Photo

Look at the person, then look at the photo on the ID.
If they look different...no sale!

4. Signature

Accepted ID includes the person's signature—no signature...no sale!

Don't reach for or handle any kind of tobacco or vaping product until after all these steps have been followed.

Refusing to Sell Tobacco and Vaping Products

You have the right and the responsibility to say NO!

It's illegal for anyone to provide any kind of tobacco or vaping product in any way to a minor.

Remember: Under the Act, it's against the law to give, sell, or provide tobacco and vaping products to minors.

Employees have the right and the responsibility to refuse sell tobacco and vaping products to anyone. Saying 'no' to friends and others in the same age group may not be easy.

The tips below can help you to firmly refuse a tobacco or vaping products sale. See the **'Sample Scripts for Clerks'** handout in this section for examples of what to say.



Explain to the customer clearly and politely that there's a minimum age restriction.

1. Explain to the customer clearly and politely that there's a minimum age restriction to sell tobacco and vaping products. Emphasize that the law says you must refuse the sale.

2. If the customer complains about your policy, explain the law by pointing to the signs at your cash register.

- Stay calm and polite, even if the customer isn't.
- If the product is on the counter, move it.
- Remember: Refusing a sale isn't your choice, IT'S THE LAW!

3. 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?"

Some people will accept your decision, but some won't.

4. Tell the customer you can refer them to the manager or your supervisor.

5. Direct their attention to the sample sign ("According to store policy...") and tell them you're following the *Tobacco, Smoking, and Vaping Reduction Act* and store policies.

No Tobacco or Vapes to Minors

Sample Scripts for Clerks

Retail clerks are often challenged verbally when they refuse to sell tobacco or vaping products to minors.

Below are some examples of what clerks can say when confronted by an aggressive or persistent minor.

"It's store policy for us to ask for photo ID from anyone who looks under 25. It's not my choice. It's part of my duties."

- "It's store policy for us to ask for photo ID from anyone who looks under 25. It's not my choice. It's part of my duties."
- "Sorry, I know you're not 18 and I know we're friends. You know it's illegal. I could lose my job if I sell you cigarettes."
- "I'm sorry, I can't sell you vapes because it's illegal and I could lose my job. Would you like to talk to my manager (supervisor)?"

What else could you say?

Common Questions Retailers Ask

Can I sell to someone under 18 if they give me a note from a parent?

NO. Notes aren't allowed. The law says you can't provide tobacco or vaping products to anyone under 18 years old.

What happens if I'm caught selling tobacco or vaping products to someone under 18?

You may be charged and, if convicted, be fined. Make sure you know and obey this law.

Can a retailer accept school ID or library cards with a photo to verify the age of someone buying tobacco or vaping products?

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

Can retailers SELL lighters or matches to anyone under 18?

YES, as long as they meet the requirements under the Regulation. Lighters or matches aren't considered tobacco products, so their sale isn't age restricted under the Act.

Can retailers sell vaping liquids, pods, or gases to anyone under 18?

NO. These products are illegal to sell to youth 17 and under.

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

NO. An inspector may enter your store without a warrant and inspect your premises. They may also check to make sure you are complying with the legislation. You and your employees should fully cooperate with the inspector.

Can I hire someone under the age of 19?

Yes. You can employ someone under 18 to sell tobacco products; however, clerks can't sell tobacco products to people under 18. It is recommended that retailers provide extra training and monitoring due to the possibility of peer pressure from friends to allow the purchase.



An inspector may enter your store

Section 3: Retailer Guidelines and Support

Retailer Guidelines to Prevent Selling Tobacco and Vaping Products to Minors

It's up to retailers ensure that steps are taken to prevent sales to minors. It's important to create clear rules that your employees can follow. Well thought out policies and procedures on tobacco and vaping product sales help your staff clearly understand the laws so that they can make the right decision each time.

Create store policies and procedures about tobacco and vaping products sales, including what will happen if people don't follow them. Policies are the actions the business decides it will take, the procedures are the steps that bring that action to life. Below are guidelines to help retailers develop their own policies and procedures.

1. Train all staff about the Act, Regulation, store policies, and procedures for tobacco and vape sales.

- Don't allow employees to sell tobacco or vape products until they're fully trained. This includes taking the exam.

2. Make sure that all employees ask for and check photo ID from any customer who looks like they're 25 years or younger.

- Make sure employees know to refuse a sale to anyone under 18 or who doesn't provide approved photo ID.

3. Make sure staff know what happens if they don't follow store policy and reward those who do.

- Review policies and laws with employees and give them copies of the information.

4. Make sure that employees understand store policies, the Act, and the Regulation.

- Make sure they take the exam and let them know they could be asked to take a refresher test at least once a year to ensure they know the rules before they're allowed to sell tobacco products. (There's a sample exam on page 28.)

5. Create an employee agreement.

- The employee could be asked to review the agreement or any revised agreement and again sign at least every 3 months. (See the agreement on page 30).

6. Keep records of any action taken if an employee doesn't follow store policy or the laws about tobacco and vape sales.



Hold Staff Meetings

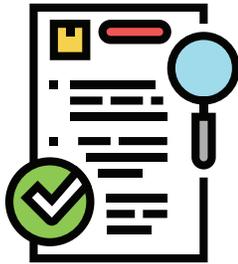
7. Regularly reinforce the tobacco and vaping laws and store policies.

- Hold staff meetings and one-on-one staff reviews.
- Send your staff updates to tobacco and vaping laws to keep them up to date.
- If your store has been warned about selling a tobacco or vaping product to someone under 18, make sure all employees see the warning. Have employees initial the warning and any other information sent around how they've seen it.

8. Give employees under 18 extra training and supervision and support to make sure they're comfortable with the laws and store policies. Give them time to practice the scripts.

- Employees under 18 may feel pressured by their friends and people their age to sell tobacco or vaping products to them when they're also under 18.

9. Keep a record of all documentation about tobacco and vaping sales training for each employee.



Keep a Record of all Documentation

Training

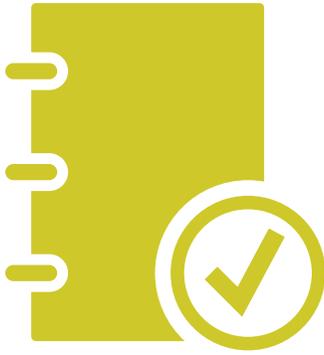
Retailers decide how to train their staff. Training for all staff who sell tobacco and vaping products is important to prevent selling to minors. Complete training of staff may include:

1. Making sure staff understand the Act with respect to selling tobacco and vaping products, including definitions, legal age, and penalties.

2. Repeating, OFTEN, how to properly check for acceptable ID under the regulations. A good idea is to use the **'Before this Date'** resource to make checking dates easier for your staff (see page 33). The resource can be laminated and taped to the counter beside the cash register. It's important to update it every day, so staff have the correct cut-off date for checking ID.

3. Outlining procedures for the sale of tobacco and vaping products, which should include:

- requesting acceptable ID from anyone who looks 25 years or younger
- refusing to sell tobacco and vaping products when they can't or won't show acceptable ID
- how to examine ID to prove a customer's age
- how to say 'no' to customers who don't give ID how to deal with difficult or insistent customers.



Policies and Procedures

4. Making sure staff know the store policies and procedures for selling tobacco and vaping products and the penalties for not following them.

- Make sure that they take the exam on page 28.

If your employee has issues with literacy or English isn't their first language, other ways you can train them are: doing an oral exam, using an interpreter, or doing one-on-one teaching.

- Meet with staff one-on-one to ensure they understand the law and store policies about selling tobacco and vaping products. This will allow staff to ask any questions.
- Keep records of all reviews with staff, including the date and details of the review.

Monitoring Staff

Monitoring staff helps to identify any employees who aren't following store policies or the law.

Each retailer can choose the best method for them to monitor staff in their retail store. The methods below are examples used by retailers to prevent illegal tobacco and vaping product sales to minors:

1. Supervise employees and keep an ongoing record.

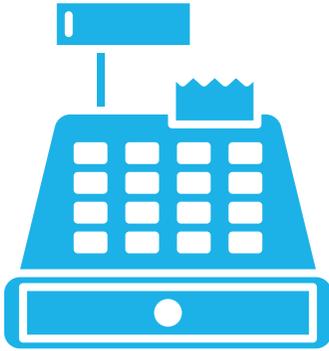
Watch employees to see if they ask to check ID or properly check the ID. Make sure the clerk:

- reads the ID to confirm the customer's age
- compares the customer photo by looking back at the customer while holding the customer's ID
- ensures the ID is one of the accepted forms of proof of age
- checks that the ID has a signature.

Other Ideas

There are other things retailers can do to make sure no staff sell tobacco or vaping products to a minor:

1. Install a special cash register key to remind clerks to ask for ID to confirm proof of age before selling tobacco or vaping products.
2. Show samples of acceptable ID at the checkout to compare with a customer's ID.
3. Post the **'Before this Date'** sign at each cash register showing the date, month, and year that a person must be born to be old enough to buy tobacco or vaping products. (There's an example on page 33.)



Post the 'ID is Required' sign at each cash register

4. Post the **'ID is Required'** sign at each cash register. (There's an example on page 33.)
5. Ask employees to sign shift reports to show they understand their duties under the Act and store policies. This may help if they've been found selling tobacco or vaping products to a minor. (See the sample on page 30.)
6. Every few months, post reminders in the staff room or other location where staff will see them.

The easier you make it for employees to follow the rules, the more likely they'll follow them correctly and consistently.

Section 4: Forms



Tobacco and Vaping Sales Prevention Exam (with answers)

Retailers can choose what material they wish to use from this kit.

Retailer Tobacco and Vaping Sales Prevention Checklist – Can use the checklist every 3 months to confirm that steps have been taken in the areas of training, daily operations, and monitoring.

Tobacco and Vaping Sales Prevention Exam (with answers) – Staff can do the exam after they’ve been trained. Retailers should go over the questions the employee didn’t answer correctly at a one-on-one meeting.

Employee Agreement – Have the employee sign after all training is finished, and a one-on-one meeting with the employee confirms they fully understand their responsibilities for selling tobacco and vaping products.

Sign-in Sheet – Retailers can ask employees to read and sign the sign-in sheet before beginning their shift to remind them about the Act and store policy for selling tobacco and vaping products.

Training Certificate – Employees can sign and date their training certificate once their training is finished.

‘Before this Date’ sign – Print and laminate this sign so the date can be updated every day. Make sure the sign can be easily seen by the employee. The manager or person in charge must update the cut off birth date every day.

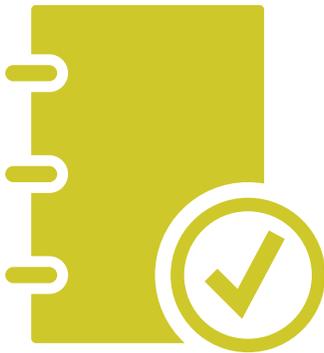
‘ID is Required’ sign – Posted at all cash registers to help your staff refuse sales to minors.

Retailer Tobacco and Vape Sales Prevention Checklist

SAMPLE RETAILER CHECKLIST

Have these steps been taken and recorded?

- Have all employees been trained fully about their responsibilities under the Act and store policy?
- Did employee training include all the following, in writing, to the employee?
 - The definitions under the Act.
 - Laws about not selling single cigarettes, little cigars, and blunt wraps.
 - Laws about not selling replacement vape juice, pods, and flavour kits.
 - Description of acceptable photo ID.
 - Asking for and examining photo ID from anyone who looks 25 or under.
 - The penalties for selling to minors.
 - How to refuse a tobacco or vape sale to a minor.
 - Store policy and procedures.
 - Any other items to prevent staff from selling tobacco and vaping products to minors.



Policies and Procedures

POLICIES AND PROCEDURES

Have these steps been taken and recorded?

- The written store policy makes it clear that employees aren't allowed to sell tobacco and vaping products until they're fully trained.
- The written store policy makes it clear that staff must ask for ID from customers who look 25 years or under.
- Staff fully understand the penalties if they don't follow store policy or the laws.
- All staff have done the written or oral exam to ensure they understand the store policy and Act.
- All staff signed a recent agreement to show that they know and understand the store policy and the Act.
- The store policies and the Act are regularly reviewed with staff (e.g., at staff meetings and in one-on-one employee reviews).
- Employees are given written policies, training materials, letters, or articles about how to prevent selling tobacco and vaping products to minors.
- Employees who sell to minors or who don't ask for photo ID from customers who look 25 years or under are corrected.
- Employees understand they're protecting Alberta youth by not selling to minors.

Alberta Tobacco and Vaping Sales Prevention Checklist

Have these steps been taken?		TRAINING	Have these steps been recorded?	
YES	NO		YES	NO
		<ul style="list-style-type: none"> Have all employees been fully trained about their responsibilities under the store policy and the Act? 		
Did the employee training include all the points below in writing?				
		<ul style="list-style-type: none"> A definition of the Act. 		
		<ul style="list-style-type: none"> A copy of the store policy and procedure manual. 		
		<ul style="list-style-type: none"> Laws about not selling single cigarettes, little cigars, and blunt wraps. 		
		<ul style="list-style-type: none"> What is acceptable photo ID. 		
		<ul style="list-style-type: none"> Asking for and examining photo ID from anyone who looks 25 years or younger. 		
		<ul style="list-style-type: none"> The penalties for selling to a minor. 		
		<ul style="list-style-type: none"> How to refuse selling tobacco or vaping products to a minor. 		
		<ul style="list-style-type: none"> Any other information that could help staff from selling to a minor. 		

Employee Signature: _____ Date: _____

Employer Signature: _____ Date: _____

Have all employees been fully trained about their responsibilities under the store policies and the Act?

Did the employee training include all the points below in writing?

- A definition of the Act.
- A copy of the store policy and procedure manual.
- Laws about not selling single cigarettes, little cigars, and blunt wraps.
- What is acceptable photo ID.
- Asking for and examining photo ID from anyone who looks 25 years or younger.
- The penalties for selling to a minor.
- How to refuse selling tobacco or vaping products to a minor.
- Any other information that could help staff from selling to a minor.

Alberta Tobacco and Vaping Sales Prevention Checklist

Have these steps been taken?		POLICIES AND PROCEDURES	Have these steps been recorded?	
YES	NO		YES	NO
		<ul style="list-style-type: none"> The written store policy is clear so that staff know they aren't allowed to sell tobacco and vaping products until they're fully trained. 		
		<ul style="list-style-type: none"> The written store policy is clear that staff know they must ask for ID from customers who look 25 years or younger. 		
		<ul style="list-style-type: none"> The written store policy is clear as to the penalties for staff that don't follow the store policy or Act. 		
		<ul style="list-style-type: none"> Staff have written or taken an oral exam about the store policies and the Tobacco, Smoking and Vaping Reduction Act. 		
		<ul style="list-style-type: none"> Staff are clear about the penalties for not following the store policy and the Act. 		
		<ul style="list-style-type: none"> Staff have signed an agreement in the last 3 months that they know and understand the store policies and Act. 		
		<ul style="list-style-type: none"> The store policy and Act are reviewed quarterly. 		
		<ul style="list-style-type: none"> Staff have easy access to written policies, training material, letters, or information about preventing selling tobacco and vaping products to minors. 		
		<ul style="list-style-type: none"> Staff that do sell to minors or who don't ask for acceptable photo ID to anyone who looks 25 years or younger corrected. 		
		<ul style="list-style-type: none"> Staff know how the provincial sign described in the Act is supposed to be posted. 		
		<ul style="list-style-type: none"> Staff understand they're protecting minors by not selling tobacco and vaping products to them. 		

Employee Signature: _____ Date: _____

Employer Signature: _____ Date: _____

- The written store policy is clear so that staff know they aren't allowed to sell tobacco and vaping products until they're fully trained.
- The written store policy is clear that staff know they must ask for ID from customers who look 25 years or younger.
- The written store policy is clear as to the penalties for staff that don't follow the store policies or the Act
- Staff have written or taken an oral exam about the store policies and the Act.
- Staff are clear about the penalties for not following the store policy and the Act.
- Staff have signed an agreement in the last 3 months that they know and understand the store policies and Act.
- Store policies and the Act are reviewed quarterly.
- Staff have easy access to written policies, training material, letters, or information about preventing selling tobacco and vaping products to minors.
- Staff that do sell to minors or who don't ask for acceptable photo ID to anyone who looks 25 years or younger are corrected and receive remedial training.
- Staff know how the provincial sign described in the Act is supposed to be posted.
- Staff understand they're protecting minors by not selling tobacco and vaping products to them.

Alberta Tobacco and Vaping Sales Prevention Checklist

Have these steps been taken?		MONITORING EMPLOYEES	Have these steps been recorded?	
YES	NO		YES	NO
		• Management does spot checks to see if staff check for ID.		
		• Management reviews store video or records staff checks.		
		• Staff are regularly supervised.		
		• New staff or staff that aren't following store policy or the Act are regularly supervised to make sure they're now complying.		

Employee Signature: _____ Date: _____

- The written store policy is clear so that staff know they aren't allowed to sell tobacco and vaping products until they're fully trained.
- Management does spot checks to see if staff check for ID.
- Management reviews store video or records staff checks.
- Staff are regularly supervised.
- New staff or staff that aren't following store policy or the Act are regularly supervised to make sure they're now complying.

Preventing Tobacco and Vape Sales to Minors: Exam (Sample)

1. Name 6 tobacco or vaping products as defined under the Act.

2. When is it legal to sell or provide a tobacco or vaping product to someone?

3. How much can the owner and/or you be fined for selling a tobacco or vaping product to a minor?

4. When must you ask for ID?

5. What are 2 types of approved ID to prove age **before** you sell a tobacco or vape product.

1. _____
2. _____

6. What 4 things should you check when examining ID?

1. _____
2. _____
3. _____
4. _____

7. What do you understand will happen if a staff person doesn't follow store policy and the Act when selling tobacco and vaping products?

Employee Name (Print) _____

Employee Signature: _____ Date: _____

Preventing Tobacco and Vaping Product Sales to Minors (Exam and Answer Sample)

1. Name 6 tobacco or vaping products as defined under the Act.

- A product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but doesn't include any product for use in nicotine replacement therapy: cigarettes, snuff, loose tobacco, tubes, cigars, blunt wraps, smokeless tobacco, pipe tobacco, and bidi's.
- Heat-not-burn tobacco products—the tobacco sticks, compressed tobacco, or pellets.
- Vaping devices, vaping liquids, gases, or pods (solids).

2. When is it legal to sell or provide a tobacco or vaping product to someone?

When they're 18 years of age or older, or after checking the ID for a customer who looks 25 years or under.

3. How much can the owner and/or you be fined for selling a tobacco or vaping product to a minor?

\$10,000 for a first offence and \$100,000 for a second or subsequent offence.

4. When must you ask for ID?

When a customer who looks 25 years or under wants to buy a tobacco or vaping product.

5. What are 2 types of acceptable ID to prove age before you sell a tobacco or vape product.

Driver's license, passport, a certificate of Canadian citizenship card, Canadian permanent resident document, Canadian Armed Forces ID, and any other documentation issued by a federal or provincial authority or a foreign government that has the person's photo, date of birth, and signature.

6. What 4 things should you check when examining ID?

1. That the acceptable ID is used.
2. That the date of birth confirms their age.
3. That the photo matches the customer.
4. That the ID has a signature.

7. What do you understand will happen if a staff person doesn't follow store policy and the Act when selling tobacco and vaping products?

(This answer may vary based on store policy.)

Employee Agreement: Sample

Please initial beside each paragraph to show that you fully understand the requirements of your store policy, the Act, the Regulation, and your commitment to protect minors.

_____ A tobacco product includes:

- cigarettes, snuff, loose tobacco, tubes, cigars, blunt wraps, smokeless tobacco (chewing tobacco or snuff), pipe tobacco, tobacco sticks, tobacco pellets, compressed tobacco, and bidis.

_____ A vaping product includes the vaping device and the liquid, gas, or solid (pods) product and refills.

_____ It's illegal to sell or provide tobacco or vaping products to minors.

_____ I understand and will follow store policy and the Act to ask for approved ID from anyone who looks 25 years or younger.

_____ I understand that the only approved ID is government photo ID, as defined in both the Act and Regulation.

I, (print name) _____, have read and understand the requirements of the store policy, the Act, and the Regulation about selling tobacco and vaping products to minors.

Signature: _____ Date: _____

Thanks for selling tobacco and vapes in a responsible way and protecting our youth!

Sign-In Sheet (Sample)

- Tobacco is any product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves.
- Tobacco products include:
 - cigarettes, snuff, loose tobacco, tubes, cigars, blunt wraps, smokeless tobacco (chewing tobacco or snuff), pipe tobacco, tobacco sticks, tobacco pellets, compressed tobacco, and bidis.
- Vaping products include the vaping device and the liquid, gas, or solid (pods) product.

I understand the laws about selling tobacco and vaping products to minors and will follow them as the terms of my employment.

I understand the store policy as stated above and agree that I will always follow store policy and the Act.

Law:

It's illegal to give, sell or provide (furnish) tobacco products to any person under 18 years of age.

Store Policy:

It's the policy of this store that all employees must ask for photo I.D. from anyone who appears 25 years of age or under. The only acceptable identification is a driver's licence, Canadian Armed Forces card, passport, Canadian permanent residence document, or other Government which contains a photograph, signature, and date of birth.

Tobacco Products INCLUDE:

- cigarettes
- rolling papers
- pipe tobacco
- tobacco
- any product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves
- tubes
- snuff
- chewing tobacco
- blunt wraps
- loose tobacco
- cigars
- filters

I understand the laws about the sale of tobacco to persons under 18 years of age and will follow them as terms of my employment. I understand the store policy as stated above and I agree that I will always follow the Act and store policy.

Date	Name	Signature

Training Certificate (Sample)

This is to certify that I, (print name of employer/ manager)

of (print name of retail store) _____

have provided tobacco sales prevention training to:

(print name of employee) _____

This employee has shown satisfactory knowledge of laws and policies to prevent the sale of tobacco and vaping products to minors.

Employee Name (print): _____

Employee Signature: _____ Date: _____

Employer Signature: _____

'Before this Date' sign

AHS Tobacco and Vaping Enforcement Program

Customers must be born **on or before**
today's date in

to purchase tobacco products

 Alberta Health Services

Valid in the year

Alberta Tobacco, Smoking and Vaping Reduction Act and Regulation

'ID is Required' Sign

AHS Tobacco and Vaping Enforcement Program

ID is Required
to sell tobacco products to anyone
who looks 25 years or younger.

 Alberta Health Services

Estimating age can be hard.

*Every person in this photo is
between 14 and 17 years old!
Surprised?*



Alberta Tobacco, Smoking and Vaping Reduction Act and Regulation

Section 5: References

This toolkit has information about Alberta's laws selling tobacco and vaping products to minors. As a responsible retailer you must also be familiar with other laws in respect to tobacco.

Federal Law – Federal Tobacco and Vaping Products Act

<http://laws-lois.justice.gc.ca/eng/acts/T-11.5/>

Municipal Law

Please visit your municipality's website for other laws you must know and follow, such as tobacco retail licenses.

- i Canadian Tobacco Alcohol and Drugs (CTADS): 2018 summary
<https://www.canada.ca/en/health-canada/services/canadian-tobacco-alcohol-drugs-survey/2015-summary.html>
- ii Canadian Tobacco Alcohol and Drugs (CTADS): 2018 summary
<https://www.canada.ca/en/health-canada/services/canadian-tobacco-alcohol-drugs-survey/2015-summary.html>
- iii Canadian Student Tobacco Alcohol and Drugs Survey (CSTADS): 2014-19 summary
<https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey.html>
- iv U.S. Department of Health & Human Services. (2010). How Tobacco Smoke Causes Disease - The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
- v Alberta Health Services. Information Series, Smokeless Tobacco 2015
<https://www.albertahealthservices.ca/info/Page17227.aspx>
- vi Alberta Health Services. Information Series, Smokeless Tobacco 2015
<https://www.albertahealthservices.ca/info/Page17227.aspx>
- vii Hoffman, D., & Djordjevic, M. V. (1997). Chemical composition and carcinogenicity of smokeless tobacco. *Advances in Dental Research*, 11, 322–329.
- viii Health Canada. Tobacco Retailer Toolkit 2011.
<http://www.healthcanada.gc.ca/albertaretailers>
- ix Alberta Health Services. Let's Talk About Spit Tobacco. 2015
<https://www.albertahealthservices.ca/info/Page17227.aspx>
- x U.S. Department of Health and Human Services. The Health Consequences of Smoking - 50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014.
- xi U.S. Department of Health and Human Services (USDHHS). A Report of the Surgeon General: Preventing Tobacco Use among Youth and Young Adults. We Can Make the Next Generation Tobacco-Free (Consumer Booklet). Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2012.

ahs.ca/tsvra



**Alberta Health
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Tobacco, Smoking &
Vaping Enforcement