

## Take Action

*Both clerks and retailers face fines for selling tobacco products to minors.*

*It is the merchant's responsibility to ensure that all of their employees are trained in the proper procedure for the selling of tobacco products.*

*Train employees to:*

- *Ask for photo ID from anyone who appears to be under the age of 27.*
- *Match the photo ID with the person using it.*
- *Check the birth date on the photo ID.*
- *Watch out for fake, damaged or invalid photo IDs.*
- *Refuse a sale.*



All Pennsylvania Lottery machines can be utilized to swipe the barcode on Pennsylvania Driver's Licenses to be certain that the purchaser is 18 years or older.

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## Understanding Pennsylvania's Youth Access to Tobacco Laws



*Responsibilities and  
Consequences for  
Retail Cigarette License Holders  
and Their Employees*



## It Is Illegal To:

- Sell a tobacco product to a minor.
- Furnish a minor with a tobacco product (you may not sell tobacco to an adult if you have knowledge that they will furnish it to a minor).
- Place a vending machine in a location where minors are permitted.
- Sell cigarettes outside of a pack.
- Locate a tobacco display out of the line of sight of a clerk.



## 9 out of 10 smokers began using tobacco as children.

Do your part to prevent youth access to tobacco and prevent the next generation of suffering.

## Affirmative Defense

A retailer may be found not guilty by reason of Affirmative Defense if, prior to the date of the violation, the retailer has complied with all of the following:

1. A requirement that an employee ask any person who appears under the age of 27 for a valid photo ID as proof of age prior to making a sale.
2. A list of all types of acceptable photo IDs.
3. A list of factors to be examined on the photo ID, including photo likeness, birth date, expiration date, the signature and evidence the ID may be fake/falsified.
4. A requirement that if the photo ID is missing any of the listed items, it is not a valid proof of age. A second photo ID may be required to make a sale of tobacco products with questions referred to the manager.
5. A disciplinary policy which includes employee suspension for failure to require valid photo ID and dismissal for repeated improper sales.
6. Document employee training in writing.
7. Post signs that selling tobacco to minors is illegal.



**A responsible business owner will have a defense in court if they prepare ahead of time.**

## If you are cited:

1. The clerk who made the sale and the tobacco license holder will each receive a citation in the mail in approximately two weeks. Each will have 10 days to respond by pleading guilty and paying the fine or by requesting a hearing.
2. At the hearing, you may plead guilty or not guilty. If pleading guilty, you will have the opportunity to present a defense. All penalties are at the discretion of the District Justice, who may levy fines and/or court costs.

### Penalties for clerks:

- For a first offense, to pay a fine of \$100 - \$250
- For a second offense, to pay a fine of \$250 - \$500
- For a third or subsequent offense, to pay a fine of \$500 - \$1,000

### Penalties for retailers:

- For a first offense, to pay a fine of \$100 - \$500
- For a second offense, to pay a fine of \$500 - \$1,000
- For a third offense, to pay fine of \$1,000 - \$3,000
- For a fourth or subsequent offense, to pay a fine of \$3,000 - \$5,000
- After a third conviction in any 24-month period, the Department of Revenue may suspend the cigarette license for up to 30 days.
- After a fourth conviction in any 24-month period, the department of Revenue may revoke the cigarette