

SUMMARY OF MASSACHUSETTS TOBACCO SALES LAWS

- **Sale of any form of tobacco to persons under the age of 18 is against the law and will result in fines.**

Tobacco products include cigarettes, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, loose tobacco, blunt wraps and bidis as well as any other product containing tobacco.

State Law says:

“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.”

(Massachusetts General Laws, Chapter 270, Section 6)

- **Stores must post a sign where customers can easily see it that includes the full text of the law, shown above (M.G.L. c. 270, sec. 7)**
- **Store clerks must verify the age of any customer wishing to buy tobacco who looks younger than 27 years of age, by checking date of birth on a government-issued photo I.D.**
Acceptable forms of I.D. are: driver's license, passport, military I.D., and state liquor I.D.
- **Sale of single cigarettes is prohibited.**
Sale of unpackaged cigarettes is prohibited.
- **Tobacco products generally may be sold by stores only in a direct, face-to-face exchange.** Vending machines and other self-service sales are prohibited. An exception is a vending machine located in an establishment licensed to serve alcoholic beverages, as long as it is equipped with a lockout device, within sight and control of an employee, and displays a sign saying that minors are prohibited from using the machine. Other types of self-service displays of tobacco products are permitted in adult-only retail facilities.
- **Free samples are prohibited, except in adult-only retail facilities.**

In addition to statewide laws, many cities and towns have stricter regulations about the sale of tobacco products. The local Board of Health can provide information about these regulations and penalties for breaking them. For more information, contact your Board of Health, visit www.under27.org or call 1-800-992-1895

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



WHY IS IT IMPORTANT?

SOME FACTS ABOUT TOBACCO AND YOUTH

Tobacco is VERY addictive....

- 90% of adult smokers started smoking before they were 18, the legal age to buy cigarettes. If a person hasn't started smoking by age 18, they will most likely never start!
- The nicotine in tobacco is one of the most addictive drugs in the world. There is evidence that addiction is strongest in people who begin smoking at a young age.
- Most young people who have smoked as few as 100 cigarettes in their lifetime say that they would like to quit – but can't. Three out of four teenage smokers have tried to quit at least once – but failed.
- If we can cut off the supply of tobacco to teens by not selling it to them, it will be harder for them to become addicted to it.
- The best way to end nicotine addiction is to prevent it from starting.

Tobacco Kills...

- Tobacco is the number one cause of preventable death in the United States, killing over 400,000 people each year with over 9,000 in Massachusetts. That's more deaths than are caused by homicide, suicide, alcohol, HIV and illegal drug use combined.
- Smoking is the main cause of lung cancer. In addition, smoking causes or contributes to many other kinds of cancers, including cancer of the voice box, mouth, throat, pancreas, cervix, kidney, and bladder.
- Smoking causes one-third of all deaths from cancers, 20% of all deaths from heart diseases, and almost 90% of deaths from chronic lung disease.
- The younger a person is when they start smoking, the more likely they are to develop a serious smoking-related illness.
- Even if you don't smoke, tobacco can harm you. Secondhand smoke kills over 50,000 *nonsmoking* Americans each year.

The retailer education project is jointly sponsored by the Massachusetts Tobacco Control Program and the Office of the Attorney General, funded by the Department of Public Health. For more information, visit www.under27.org or call 1-800-992-1895.

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



HOW TO OUTSMART A SALES CLERK

Suggestions from youth who have done it.

- Carry car keys, even if you don't drive, to look like you are old enough to drive.
- Tell the clerk the cigarettes are for a parent.
- Forge a note from a parent.
- Say you have your parent's permission to smoke.
- Have the oldest friend in your group attempt to buy the cigarettes.
- Say "The other clerk always sells them to me."
- Point to an adult in the parking lot and say the cigarettes are for him.
- Ask for cigarettes, and then distract the clerk by asking questions like "What time does the store close?"
- Say "I can't remember what kind my mother wanted."
- When a parent writes a note for you to buy cigarettes for them, save it to try to buy cigarettes for yourself.
- Go to a store where your friend works.
- Say your license is revoked.

Customers must prove that they are 18 years old or older before you can sell them tobacco. If you insist on seeing proof of age (photo I.D.) from everyone who does not look at least 27 years old, then you won't have to worry about being outsmarted – or breaking the law!

The retailer education project is jointly sponsored by the Massachusetts Tobacco Control Program and the Office of the Attorney General, funded by the Department of Public Health. For more information, visit www.under27.org or call 1-800-992-1895.

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



SELLING TOBACCO PRODUCTS TEST

For each question, please check (✓) the correct answer.

1. **It is against the law to sell tobacco products to anyone under age:**
 - 18
 - 21
 - 27

2. **You must check the I.D. of customers wishing to purchase tobacco products if they look younger than:**
 - 18
 - 21
 - 27

3. **If a young person gives you a note from his/her parent, giving permission to buy cigarettes, you should:**
 - Refuse the sale
 - Proceed with the sale
 - Proceed with sale only if the note is signed by the parent

4. **Which of the following I.D.'s can you accept as proof of age for someone buying tobacco?**
 - Library card
 - College I.D.
 - Video Club Membership
 - Out-of-State Driver's License

5. **If today's date is July 26, 2007, which of the following people may legally buy tobacco products?**
 - Birthday is July 27, 1989
 - Birthday is July 25, 1989
 - Birthday is July 24, 1990

6. **Which of the following are ways youth try to outsmart sales clerks?**
 - Telling the clerk the cigarettes are for a parent
 - Going to a store where a friend works
 - Both of the above

7. **Which of the following are acceptable forms of I.D.?**
 - State- Issued Driver's License
 - Military I.D.
 - Massachusetts Liquor License
 - All of the Above

8. **Cigarettes may be sold in amounts smaller than the smallest package made by the manufacturer.**
 - True
 - False

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



SELLING TOBACCO PRODUCTS TEST

For each question, please check (✓) the correct answer.

1. It is against the law to sell tobacco products to anyone under age:

- 18
- 21
- 27

Massachusetts General Laws Chapter 270, section 6 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.”*

Please also see the *Manager’s Guide to Training Employees* page 7, section C, Review of the Laws, Overview of Tobacco Sales Laws.

2. You must check the I.D. of customers wishing to purchase tobacco products if they look younger than:

- 18
- 21
- 27

The Attorney General Consumer Protection regulations about checking I.D.:

It shall be an unfair or deceptive act or practice for any person who sells or distributes cigarettes or smokeless tobacco products through a retail outlet located within Massachusetts to engage in any of the following retail outlet sales practices:

(b) Failing to verify by means of valid government-issued photographic identification that each person purchasing cigarettes or smokeless tobacco is 18 years of age or older. No such verification is required for any person who appears 27 years of age or older. *CMR 21.04 (2) (b), 22.06 (2) (b)*

Violators may be subject to a civil penalty of up to \$5,000 and the cost expended to investigate and prosecute the violation. *G.L. ch. 93A, s. 4*

Please also see the *Manager’s Guide to Training Employees* page 7, section C, Review of the Laws, Overview of Tobacco Sales Laws.

3. If a young person gives you a note from his/her parent, giving permission to buy cigarettes, you should:

- Refuse the sale
- Proceed with the sale
- Proceed with sale only if the note is signed by the parent

Please review the *Manager’s Guide to Training Employees* page 11, section E, How to Handle Difficult Situations, Attempt to Purchase with a Note.

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



SELLING TOBACCO PRODUCTS TEST

4. Which of the following I.D.'s can you accept as proof of age for someone buying tobacco?

- Library card
- College I.D.
- Video Club Membership
- Out-of-State Driver's License

Please review the *Manager's Guide to Training Employees* page 9, section D, How to Check I.D., Acceptable forms of I.D. Please also see the two fact sheets: *Checking Massachusetts I.D.* and *Checking Out-of-State I.D.*

5. If today's date is July 26, 2007, which of the following people may legally buy tobacco products?

- Birthday is July 27, 1989
- Birthday is July 25, 1989
- Birthday is July 24, 1990

Only the person whose birthday is **July 25, 1989** is over the age of 18. The person whose birthday is July 27, 1989 is one day younger than being 18 years old and the person whose birthday is July 24, 1990 is only 17 years old.

6. Which of the following are ways youth try to outsmart sales clerks?

- Telling the clerk the cigarettes are for a parent
- Going to a store where a friend works
- Both of the above

Please review the fact sheet: *How to Outsmart a Sales Clerk*

7. Which of the following are acceptable forms of I.D.?

- State- Issued Driver's License
- Military I.D.
- Massachusetts Liquor License
- All of the Above

Please review the *Manager's Guide to Training Employees* page 9, section D, How to Check I.D., Acceptable forms of I.D. Please also see the two fact sheets: *Checking Massachusetts I.D.* and *Checking Out-of-State I.D.*

8. Cigarettes may be sold in amounts smaller than the smallest package made by the manufacturer.

- True
- False

Massachusetts General Laws chapter 94, section 307A reads:

"No person shall sell, offer for sale or have in possession with intent to sell single unpackaged cigarettes. Whoever violates the provision of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars."

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



SELLING TOBACCO PRODUCTS TEST

The Attorney General Consumer Protection regulations about cigarette packaging:

It shall be an unfair or deceptive act or practice for any manufacturer, distributor or retailer to engage in any of the following practices:

(b) Breaking or otherwise opening any cigarette or smokeless tobacco product package to sell or distribute any number of unpackaged or repackaged cigarettes or any quantity of smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use.
CMR 21.04 (1) (b)

Violators may be subject to a civil penalty of up to \$5,000 and the cost expended to investigate and prosecute the violation. *G.L. ch. 93A, s. 4*

Please also see the *Manager's Guide to Training Employees* page 3, Attorney General's Requirements and page 8, section C, Review of the Laws, Overview of Tobacco Sales Laws.

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



REQUIRED SIGNS FOR TOBACCO SALES

MASSACHUSETTS STATE LAW REQUIRES THAT THE FOLLOWING SIGNS BE POSTED IN ALL ESTABLISHMENTS THAT SELL TOBACCO PRODUCTS



Large Cash Register Sign (6" x 8")

This sign must be posted at the cash register that receives the greatest volume of individual cigarette package sales. It must be hung so that it can be easily seen by customers standing at or approaching the cash register, at a height between 4 and 9 feet from the floor.



Small Cash Register Sign (3" x 3")

This sign must be posted at all other cash registers. It must be hung so that it can be easily seen by customers standing at or approaching the cash register, at a height between 4 and 9 feet from the floor.



Vending Machine Sign (6" x 6")

This sign must be hung on the front of the vending machine, so that it can be easily seen by a person standing at or approaching the machine. Tobacco vending machines are permitted ONLY in adult-only establishments.



Health Warning For Cigars

50 SQUARE INCHES IN SIZE MINIMUM

This sign must be hung in a clear and conspicuous format and in a location readily visible to the consumer (such as the tobacco display area) if the retailer is selling hand rolled cigars or displays for purchase manufactured cigars outside of their original package. Two signs have been approved; either sign may be hung.

For copies of signs, Contact your local Board of Health or call the Massachusetts Department of Public Health at 1-800-992-1895 or visit www.under27.org

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



EMPLOYEE AGREEMENT

MASSACHUSETTS GENERAL LAWS, CHAPTER 270, Section 6 – Tobacco Sales to Minors

“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.”

I understand that Massachusetts law prohibits the sale of tobacco products to anyone under age 18. I also understand that if I fail to follow store policy and state law about the sale of tobacco to minors I could lose my job or be fined.

I agree to the following rules about the sale of tobacco products:

- **I will not sell any tobacco products, including cigarettes, cigars, chewing tobacco, bidis, or any other form of tobacco, to any person under the age of 18.**
- **If a person attempting to buy a tobacco product looks under 27 years old, I will ask for photo identification (I.D.). If there is any doubt about the person’s age, I will not make the sale.**
- **I will not accept a note from an adult giving permission to a person under the age of 18 to buy tobacco products.**

In turn, management agrees to support my judgment not to make the sale in any of the cases described above.

_____	_____
Employee’s signature	Date
_____	_____
Store manager’s signature	Date

(This agreement will be maintained in your personnel file as part of your permanent employee record.)

The retailer education project is jointly sponsored by the Massachusetts Tobacco Control Program and the Office of the Attorney General, funded by the Department of Public Health. For more information, visit www.under27.org or call 1-800-992-1895.

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



CHECKING MASSACHUSETTS I.D.

Pursuant to MGL C. 270 S. 6, it is illegal to sell tobacco products to any person under the age of 18. Retailers are further obligated to check identification for any individual who appears to be 27 years of age or younger. Only government issued photo identification can be accepted as proof of age. Additional information is available at www.mass.gov/dph/mtcp.

What is a government issued photo ID?

In Massachusetts the accepted forms of ID are: a valid Massachusetts Drivers' License or out of state drivers' license; a valid Massachusetts Liquor ID Card or a Massachusetts Identification Card, both are issued by the Registry of Motor Vehicles; a valid Military ID, or a valid passport issued by the United States, or from a country recognized by the United States.

What do the different photo IDs look like?



MA License



MA Liquor ID



US Immigration Card



MA Under 21 License



MA Under 21 ID



Military ID



US Passport

What kinds of ID should I not accept?

Work and school identification cards, identification without photos, and forms of state issued ID not listed in the above section are not appropriate to verify a customer's age.

What differences should I look for on the Vertical Identification Cards?

Vertical IDs signify that the holder is under 21 years of age. These cards, however, are granted to any individual over the age of 16 which means that there will be individuals with these cards who are **not** eligible to purchase tobacco products. Also, individuals can, in some cases, retain the vertical card even after turning 21 depending on when it was issued and the expiration date. Be sure to check the Date of Birth carefully!

What other tips are there for checking IDs?

- Have the customer remove the ID from their wallet so you can both feel and see the card for oddities.
- Check the ID before you retrieve the product so there is less opportunity to pressure you.
- Be sure to check that the picture matches the person, the birthdate makes sense and is valid, if there are odd bumps or ridges on the card which can indicate tampering, and that the lettering is consistent.
- If in doubt ask the customer questions such as their zip code or year they graduated high school.
- Remember, if you suspect an adult is buying for a minor you are still responsible.

Remember you must card for ALL TOBACCO PRODUCTS not just cigarettes

Direct questions to: Massachusetts Department of Health 1-800-992-1895 | TDD/TTY 617-624-5992 | www.mass.gov/dph/mtcp

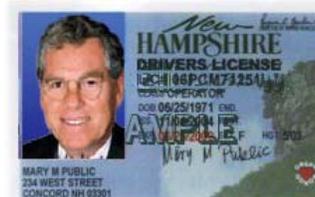
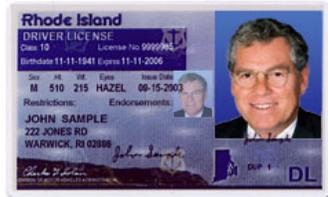
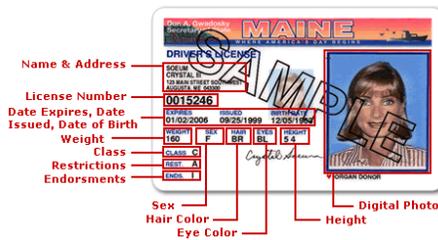
For more information, contact your Board of Health or visit www.under27.org



CHECKING OUT-OF-STATE I.D.

Pursuant to MGL C. 270 S. 6, it is illegal to sell tobacco products to any person under the age of 18. Retailers are further obligated to check identification for any individual who appears to be 27 years of age or younger. Only government issued photo identification can be accepted as proof of age. Additional information is available at www.mass.gov/dph/mtcp.

What are examples of neighboring state licenses?



Even though out of state ID's look different each contains the information you need to verify the customer's age and authenticity of the identification card.

- Date of Birth
- Picture

Are there other forms of acceptable out of state ID?

Yes. Like Massachusetts most states have state identification cards which look similar to the state driver's license. Also, a number of states, including NY and MA have created special vertical licenses for those under 21. In NY, the license also states when the customer is eligible to purchase tobacco products. Finally, you may accept US Military ID or a valid passport.

How can I best check an ID?

- Have the customer remove the ID from their wallet so you can both feel and see the card for oddities.
- Check the ID before you retrieve the product so there is less opportunity to pressure you.
- Be sure to check that the picture matches the person (use features such as the shape of the nose that do not change like hair color can), the birthdate makes sense and is valid, if there are odd bumps or ridges on the card which can indicate tampering, and that the lettering is consistent.
- If in doubt ask the customer questions such as their zip code, their sign or year they graduated high school.
- Remember, if you suspect an adult is buying for a minor you are still responsible.

Remember you must card for ALL TOBACCO PRODUCTS not just cigarettes

Direct questions to: Massachusetts Department of Health 1-800-992-1895 | TDD/TTY 617-624-5992 | www.mass.gov/dph/mtcp

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

