

Tobacco 21

A Retailer's Guide

**Your role in preventing
tobacco sales to and
by minors**



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Tobacco 21 Ordinance

Overview

An ordinance adopted on June 6, 2016 amending Chapter 8 (Business Licenses), Article 6 (Comprehensive Regulation of Tobacco Products) of the Oak Park Village Code affects how tobacco and nicotine products may be sold.

Effective August 1, 2016, the Tobacco 21 ordinance prohibits selling tobacco or nicotine products to anyone under 21 years old. Beginning August 1, 2017, business employees under 21 years old are prohibited from selling tobacco and nicotine products to anyone.

Failure to obey the law may result in business license revocation and fine.



Retailer Responsibilities

As a tobacco retailer you are required by law to...

- Ask for photo identification from anyone under 21 years of age
- Check to make sure all customers are at least 21 years old
- Refuse to sell tobacco products to everyone under 21 years and anyone refusing to show photo identification
- After Aug. 1, 2017, allow only employees 21 years or older to sell tobacco or nicotine products
- Be properly licensed by the Village and renew as necessary
- Post required signs explaining Tobacco 21 law in clearly visible area near every display of tobacco products

Tobacco Products

The following are considered tobacco products:

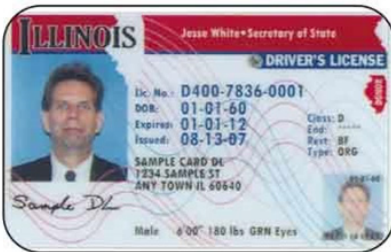
- Cigarettes
- Non-cigarette smoking tobacco, including, but not limited to chewing tobacco, spit tobacco, dip, snuff and loose tobacco for pipes or hand cigarette rolling
- Cigars, cigarillos and little cigars, including flavored products
- Electronic nicotine devices including e-cigarettes, e-hookah, e-cigars and vape pens
- Cigarettes sold as individuals or in quantities less than a pack of 20 cigarettes, commonly referred to as loosies
- Tobacco of any kind



Valid Forms of Identification

The only acceptable forms of identification are government issued cards such as:

- State-issued driver's license
- State-issued identification card commonly used by non-drivers
- Passport
- Immigration card
- Military identification card



Old Illinois ID



New Illinois ID

Note: Both versions are valid, but it's important to make sure the expiration date has not lapsed.

Pay particular attention to the date of birth, but also make sure the cards includes the following:

- Restrictions
- Issued and expiration dates
- Height
- Weight
- Picture
- Ghost portrait

How to Check an ID & Spot a Fake

Make sure the form of identification is valid and consider applying the following guidelines:

- Ask for identification before getting any tobacco product off of the shelf
- Hold the identification in your own hands – if it is a driver's license or state-issued card, have the customer remove it from their wallet
- Examine the picture and physical status – does the picture, height and weight match customer?
- Make sure information is updated by checking the expiration date – an expired card is not valid
- Check the date of birth – match the date to the calendar to determine that the person is over the age of 21, paying attention to months and not just year
- If there's any doubt, ask for another ID or ask additional questions, such as date of birth – if unable to provide, refuse the sell



Spotting a Fake:

- Make sure the dates have not been changed or altered in any way
- Feel for any imperfection on the card, such as bumps or raised surface
- Look for glue line or pin holes
- Check watermarks
- Check if photo and physical status matches customer
- If any doubt, ask for a credit card or other identification

Tobacco Sales Laws and Penalties

Oak Park Village ordinance

- The sale of tobacco products to anyone under the age of 21 years is prohibited in stores that have a Retail Tobacco License.
- The sale of tobacco products must be conducted only by a sales clerk over the age of 21.

In addition to the Village ordinance, violators can also be subject to penalties and fines under state and federal law:

State law

- It is illegal to sell restricted products to anyone under the age of 18.
- Restricted products include tobacco (including cigars, cigarettes, e-cigarettes, smokeless tobacco or tobacco in any of its forms), tobacco accessories (cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products or of substances), smoking herbs, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower, wild lettuce and bidi cigarettes.

Federal law

- The Tobacco Control Act, signed into law in 2009, regulates the manufacturing, marketing and distributing of tobacco products to protect public health and to reduce tobacco use by minors
- ID Check – Any tobacco product may be sold only to individuals aged 18 and older

Type of Compliance Check	Penalties for Violators
Federal (18 years)	Up to \$11,182 depending on frequency of violation
Illinois (18 years)	Up to \$600 fine If tobacco accessories were included in the violation, up to \$1,500 and/or 30 days jail. Sale of bid is: up to \$1000
Oak Park (21 years)	Up to \$500 fine Possible revocation of tobacco license

Required Signs

The sign below provided by the Village of Oak Park explains the Tobacco 21 law to your customers.

The sign must be posted and clearly visible at or near every display of tobacco products in stores that have a Retail Tobacco License.

Additional signs may be requested by calling 708.358.5480 or emailing health@oak-park.us.

**The sale of
tobacco products
to persons under
21 years of age is
prohibited by law.**

**NO SALE
WE CHECK I.D.**



Employee Training Checklist

The Village of Oak Park encourages tobacco retailers to train new and existing employees on retailer responsibilities under the Tobacco 21 ordinance.

Below you will find the recommended training topics and on the next page you will find a sample Employee Training Acknowledgment Form that can be kept on file with your business.

- ☐ Inform employee that it is illegal to sell tobacco to a person under age 21, under any circumstances, even if the tobacco products are for, or claimed to be for a person over age 21
- ☐ Inform employee that he or she should ask to see an acceptable form of identification from a customer before selling a tobacco product
- ☐ Inform employee of acceptable forms of identification (state-issued driver's license, state-issued ID Card (issued to non-drivers), passport, immigration card, military ID card)
- ☐ Inform employee of penalties for selling tobacco to a person under age 21
- ☐ Warn employee if they sell tobacco products to a person under age 21, they are violating the Village ordinance

Training Acknowledgment Form

Business Name: _____

Business Address: _____

I, _____, state that I have read the Village of Oak Park Retailer's Guide to Tobacco 21. I agree to follow the Article 6 of the Village ordinance Comprehensive Regulation of Tobacco Products regarding the sale of tobacco and tobacco related products. Specifically: I will not sell tobacco products to any person who is under the legal age of 21.

If a person appears under age 27, I will require and check a valid photo identification card that establishes the customer's date of birth.

If there is any doubt about the customer's age, I will not make the sale.

I will not knowingly sell tobacco products to any adult for use by individuals who are under the legal age. If I have a reason to believe an adult is buying tobacco for a minor, I will not make the sale.

Employee Signature

Date

Store Owner/Manager Signature

Date

For more information

- Call 708.358.5480
- Email health@oak-park.us
- Visit [**www.oak-park.us/health**](http://www.oak-park.us/health)



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