



Illinois's New Law

Minimum-Age: 21 years old

**Effective Date
July 1, 2019**

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Minimum Age Restrictions

Illinois Law Summary



NEW MINIMUM-AGE Law effective July 1, 2019 is 21 years old for customers to purchase (or for anyone to sell, buy for, distribute samples of, or furnish) any tobacco product, e-cigarettes or any alternative nicotine product to any person under 21 years of age. (See Restricted Products section).

Minimum-age of sales associates: No person under 16 years of age may sell any tobacco product, electronic cigarette, or alternative nicotine product at a retail establishment selling those products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

FDA Summary (Federal)

You must follow the Illinois 21 year minimum-age since it is higher than FDA's 18 year minimum-age requirement.

Minimum Age to Ask for ID

Illinois Law Summary

Carding requirement: Retailers must ask for ID from any person that appears to be **under 30 years old**, and verify the person is 21 years of age or older by examining a government issued photographic identification.



FDA Summary (Federal)

Note: Follow the Illinois requirement of **Under 30** because it is higher than FDA's **Under 27** requirement.

You must **Check photo ID of everyone appearing under age 27** who attempts to purchase FDA regulated products and verify the customer is of legal age to purchase. This is an each-and-every time requirement (even if you know the person to be of legal age.) If you "carded" them yesterday, you must "card" them again today!

Decline a sale when the customer is underage, has no photo ID, the photo ID contains no date-of-birth or the photo ID has expired.



Age Restricted Products - Tobacco and Vapor

Illinois Law Summary

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, flavored wrapping paper and wrapping leaf (blunt wraps, cigar wraps or tubes of paper or leaf or similar device for the purpose of making a roll of tobacco or herbs for smoking), and other items, designed primarily for the smoking or ingestion of tobacco products or of substances), smoking herbs (broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce) and bidi cigarettes. Prohibited from selling to anyone: single or loose cigarettes, that is not contained within a sealed container, pack or package that bears the health warning required by federal law.

FDA Summary (Federal)



BANNED: SINGLE CIGARETTES OR "LOOSIES"

Do not sell single cigarettes ("loosies") or break open packs of 20 cigarettes to sell them in quantities of less than 20 cigarettes OR sell any quantity of smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use.**

ENDS include e-cigarettes, e-hookah, ecigars, vape pens, advanced refillable personal vaporizers, electronic pipes, components & parts (such as e-liquids, atomizers, tank systems, batteries)

Acceptable forms of ID

Illinois Law Summary

A photographic identification issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the Armed Forces.

FDA Summary (Federal)

Unless otherwise required by state or local law, FDA recommends that retailers accept only government-issued photographic identification with the bearer's date of birth. (e.g., State-issued driver's license or identification card, military identification card, passport or immigration card) for establishing a legal age to purchase FDA regulated products. The Photo ID is not acceptable if it has expired.

Post Signs Required by State Law

Retailers must post a white sign in a conspicuous place that states in red letters at least 1/2 inch in height:

SURGEON GENERAL'S WARNING: SMOKING BY PREGNANT WOMEN MAY RESULT IN FETAL INJURY, PREMATURE BIRTH AND LOW BIRTH WEIGHT.

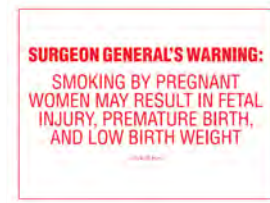
Failure to post this sign may result in a penalty not to exceed \$1,000 for each day not posted.

If a retailer sells tobacco accessories and smoking herbs, the retailer must post a white sign in a conspicuous place that states in red letters at least 1/2 inch in height:

SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 21 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW.

Failure to display this warning sign may result in being found guilty of a Class C misdemeanor.

The new Illinois required signs



Signs based upon the law's requirements of a white sign with red lettering 1/2" high are available for download.

[Download-post the Surgeon General's Warning sign.](#)

[Download and post the Tobacco accessories and smoking herbs sign.](#)

Chicago retailers must post a city government required sign. [Get a copy here.](#)

Penalties and Fines

Illinois Law Summary

Any person who sells or gives Restricted Products to persons under age 21, in violation of the Sale and Distribution of Tobacco Products Act or the Prevention of Tobacco Use by Minors Act is guilty of a petty offense. Both the individual employee and the retailer may be fined – as shown on chart.

A retailer's license may be revoked, cancelled or suspended for the violation of any provision of the law, or for non-compliance with any provision of the law or any rule or regulation by the Department. When a license suspension occurs and for how long varies on whether or not a retailer has a training program that facilitates compliance with minimum-age laws – as shown on suspension schedule chart.

	Fines for individual employees of Retailer WITH a Training Program	Fines for the Retailer WITHOUT a Training Program
1 st violation in 24-months	\$200	\$200
2 nd violation in 24-months	\$400	\$400
3 rd violation in 24-months	\$600	\$600
4 th or more violations in 24-month	\$800	\$800

	Retailer WITH a Training Program	Retailer WITHOUT a Training Program
1 st violation	Not applicable	Not applicable
2 nd violation	Not applicable	3-Day suspension
3 rd violation	Not applicable	7-Day suspension
4 th or subsequent violation	3-Day suspension	30-Day suspension

The training program must include at least the following elements:

- It must explain that only individuals displaying valid identification demonstrating that they are 21 years of age or older shall be eligible to purchase cigarettes or tobacco products
- It must explain where a clerk can check identification for a date of birth

Each retailer that has a training program shall require each employee who completes the training program to sign a form attesting that the employee has received and completed tobacco training. The form shall be kept in the employee's file and may be used to provide proof of training.

FDA Summary (Federal)

FDA has a variety of enforcement tools to address retailers who violate Federal statutes or regulations, including civil money penalties, warning letters, seizures, injunctions, no-sale orders and/or criminal prosecution. Retailers who violate the regulations may also be in violation of state law and subject to state penalties or other related orders.

Fines and penalties shown here are as of June 10, 2019.

FDA FINES & PENALTIES	
# of Violations	Fine
1 st	Warning Letter
2 within 12 months	\$285
3 within 24 months	\$570
4 within 24 months	\$2,282
5 within 36 months	\$5,705
6 within 48 months	\$11,410
5 or more within 36 months	No Sale Order



Customers Who Are Now Underage Due to 21 Year Law

New "21" state laws* require retailers to refuse the sale of tobacco and vapor products to anyone under the age of 21. And it's quite possible that you, the retailer, will be the first one to inform your customers about this new law.

We Card training covers challenges like handling difficult situations including refusing an underage sale using the A-E-R-O method.

* See state laws summaries for any exceptions to the 21 year minimum-age.

We recommend A-E-R-O when speaking with customers who are no longer the legal age to buy tobacco and vapor products.

A-E-R-O

APOLOGIZE **EXPLAIN** **REMOVE** **OFFER**
the product from the counter another service



What do YOU say?



Hey, can I get that vape pen and 2 refill cartridges?

Sure, can I see some ID?

Here you go.

Thanks. I'm sorry, this ID shows you're under 21 so it would be against the law for me to sell the vape pen to you . . .

I'm 20 years old. I buy vape stuff and refills all the time!
WHAT'S WRONG WITH YOU?

I'm sorry, there's a new state law with 21 as the minimum age. We have to follow that law. Can I get you something else in the store?

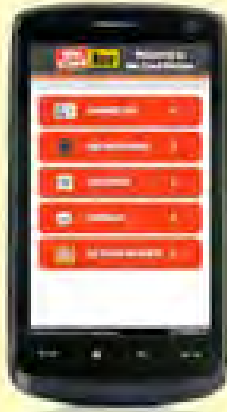
Oh, I didn't now about the new law. Just this bottled water, thanks.

Store Sales Associate

Responsible Retailing Resources

About We Card

The *We Card* Program is a national non-profit organization focused on ensuring that age-restricted product retailers are fully educated, trained and prepared to reject underage sales.



When you need *We Card* at your fingertips!



wecardnow.com

We Card eLearning Center



Award-winning training, now even better!
• Employee • Refresher • Manager

Learn FDA Requirements of Retailers, Rules on Regulated Products, FDA Fines and Penalties
**Based upon FDA Guidance for Tobacco Retailer Training Programs*

Additional interactive exercises and more practice in the steps employees need to prevent tobacco sales to minors.

Built to be LMS-ready and SCORM-compliant. Ask for a test drive on your LMS!



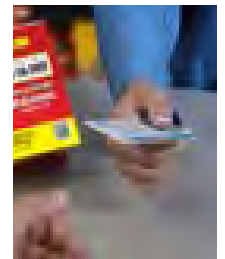
Equip Your Stores



Call 1-800-934-3968 or visit wecard.org.

Mystery Shopping

We Card offers the ID Check-Up mystery shopping service at a low cost of \$26 per mystery shop which allows even the smallest retail store to participate in an ID checking system that is proven to increase carding rates.



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