

Vermont's New Law

Minimum-Age: 21 years old

**Effective Date
September 1, 2019**

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Minimum Age Restrictions

Vermont Law Summary



NEW MINIMUM-AGE Law effective September 1, 2019 is 21 years old.

It is illegal to sell, give, furnish, send, or cause to be sent tobacco products, tobacco substitutes (including e-cigarettes or vapor products) or tobacco paraphernalia to anyone under the age of 21. It is illegal to sell, give, furnish, send, or cause to be sent bidis to anyone, notwithstanding age.

FDA Summary (Federal)

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

Minimum Age to Ask for ID

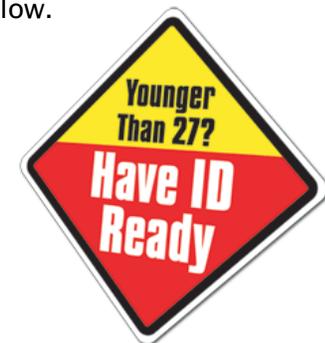
Vermont Law Summary

No requirement, but you must follow FDA's requirement below.

FDA Summary (Federal)

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

Vermont Law Summary

All tobacco products, tobacco substitutes (e-cigarettes and vapor products) or tobacco paraphernalia (any device used to deliver tobacco products or tobacco substitutes into the body). Includes cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and any other kinds and forms of tobacco suitable for chewing or smoking in a pipe or otherwise, as well as any form of wrapper which holds tobacco, such as blunt wrappers, or for delivery into the body by inhaling heated vapor or other means.

FDA Summary (Federal)



**Cigarettes,
Cigarette Tobacco
& Roll-Your-Own
Tobacco**



**Smokeless
Tobacco**



Cigars



**Hookah
& Pipe
Tobacco**



Loose Cigarettes



**Nicotine
Gels**



**Dissolvable
Tobacco
Products**



**Electronic
Nicotine
Delivery Sales
(ENDS)**

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

Vermont Law Summary

Acceptable forms of identification include photographic motor vehicle operator's licenses, passports, United States Military identification cards or photographic non-driver motor vehicle identification cards issued by the Vermont department of motor vehicles.

Upon demand, a person shall exhibit proof of age to a licensee, a licensee's employee or a law enforcement officer. Failure to provide proof entitles the licensee to refuse the sale.

Additional Information and We Card Best Practices: The Vermont Department of Liquor Control (VDLC) has advised We Card that non-driver motor vehicle identification cards from other states are acceptable. VDLC also notes that only VALID identification should be accepted. It is a We Card Best Practice that a retailer may refuse a sale for any reason, particularly if there is reason to believe that an adult is purchasing for an underage person.

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

Vermont Law Summary

All persons licensed to sell tobacco products must display in a conspicuous place on the premises a warning sign stating that the sale of tobacco products, tobacco substitutes and tobacco paraphernalia to persons under 21 years of age is prohibited. The sign may include information about the health effects of tobacco and tobacco cessation programs.

Failure to post the state law, as described above, is a misdemeanor, punishable by a fine of up to \$100.

Online: See "Mandatory" warning signs at the [VT Liquor Control's publications website](#).

TOBACCO 21

It is illegal to sell or furnish tobacco products, tobacco paraphernalia, or tobacco substitutes to any person under 21 years of age.

VSA TITLE 7 CHAPTER 40 § 1003 - § 1006

The mandatory Vermont Tobacco 21 Sign.

Penalties and Fines

Vermont Law Summary

Violators are subject to a \$100 fine for the first offense and a \$500 for subsequent offenses. The holder of a tobacco license that does not also hold a liquor license for the same premises shall: (1) complete the department's enforcement seminar at least once every two years, pursuant to Vermont tobacco education administrative regulations; and (2) ensure that every employee that sells Restricted Products completes a state approved training program before selling or providing the products, and at least once every 24 months thereafter. A licensee may comply by conducting its own training program on its premises using information and materials furnished by the VDLC. Failure to comply may result in a one or more day suspension.

A tobacco licensee convicted of selling bidis shall be fined not more than \$500. A person who purchases bidis shall be fined not more than \$250.

Additional Information: The VDLC has stated that it issues a warning for a first offense, and may impose a \$100 penalty against a tobacco licensee for a violation, up to \$1,000 for subsequent violations. The VDLC may also require the licensee to attend a training class.

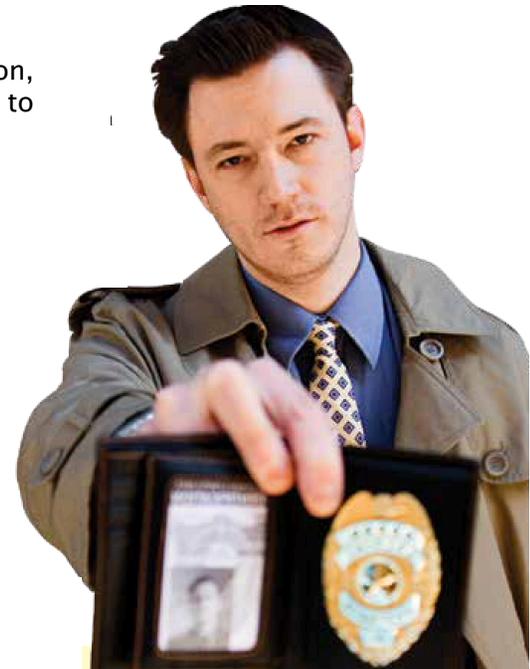
FDA Summary (Federal)

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.

FDA FINES & PENALTIES	
# of Violations	Fine
1st	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

Fines and penalties shown here are as of July 19, 2019.



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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