

# You could be fined

up to **\$700**

for selling tobacco to minors.

The sale of tobacco in any form to persons younger than age 18 is prohibited by law. Any person who knowingly sells, or causes to be sold, tobacco to a person younger than age 18 commits the crime of endangering the welfare of a minor, pursuant to ORS 163.575.

Tobacco retailers in Oregon are being checked by law enforcement officers.

Valid picture ID showing the customer is age 18 or older is required to purchase tobacco in the state of Oregon.

- ✓ Check ID.
- ✓ Confirm identity.
- ✓ Calculate age.
- ✓ Comply with the law!



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# Under 18?

## You can't sell them tobacco — And they can't buy

### Here's why: It's the law!

The Oregon Revised Statutes are clear about the legal consequences of selling tobacco to minors.

#### **ORS 163.575** **Endangering the welfare of a minor**

A person commits the crime of endangering the welfare of a minor if the person knowingly distributes or sells tobacco in any form to a person younger than 18 years of age. The person also commits the crime if they sell any device in which tobacco is burned, including pipes and cigarette rolling papers.

Violation of this crime is punishable by a fine of not less than \$100 nor more than \$700.



#### **ORS 163.580** **Posting of signs concerning sale of smoking devices**

Any person who sells smoking devices must display a sign clearly stating that the sale of such devices to persons younger than 18 years of age is prohibited by law.

#### **ORS 167.400** **Tobacco possession by minors prohibited**

It is unlawful for any person younger than 18 years of age to possess tobacco products. Any person who violates this law commits a violation punishable by a fine of not more than \$100.

A minor acting under the supervision of an adult may purchase, attempt to purchase or acquire tobacco products for the purpose of testing compliance with a federal law, state statute, local law or retailer management policy limiting or regulating the delivery of tobacco products to minors.

### **ORS 167.402** **Locating tobacco vending machines where minors have access is prohibited**

No person shall locate a tobacco vending machine in any place legally accessible to persons younger than 18 years of age (except taverns and cocktail lounges, certain industrial plants, hotels, and motels.) Each day of violation is punishable by a fine of not more than \$250.

### **ORS 167.407** **Tobacco products must be placed behind the counter or under lock and key**

Prohibits direct access to products by customers unless persons younger than age 18 are prohibited from the establishment.

### **ORS 431.840**

- Free distribution to minors is prohibited
- Post notice

### **Restriction on sales**

It is unlawful:

- To distribute free tobacco products to persons younger than 18 years of age,
- To fail to post a notice in a clearly visible location that says the sale of tobacco to persons younger than 18 years of age is prohibited, or
- To sell cigarettes in any form other than a sealed package.

### **ORS 431.845** **Civil penalty for violation of ORS 431.840**

The civil penalty for violation of any provision of ORS 431.840 shall not be less than \$100 nor exceed \$500.

### **ORS 431.853** **Random inspection of sellers of tobacco products**

The Oregon Department of Human Services and law enforcement agencies shall conduct random, unannounced inspections of tobacco wholesalers and retailers to insure compliance with all laws relating to sales of tobacco to minors.

Under **18?**

**[ No tobacco  
No sale  
NO KIDDING ]**

## Stop illegal tobacco sales — tips for store owners and managers

If a policy matters to managers, it matters to employees. Set the tone in your store by showing that you're serious about no tobacco sales to minors. Schedule an employee meeting to train your employees on how to comply with Oregon law and require that all employees attend. Post signs in your place of business. Have employees sign a written agreement. Then offer positive reinforcement and ongoing reminders.

It is your responsibility to communicate the following information to each employee.



*Remember, it is your responsibility to make sure you do not sell tobacco products to anyone younger than age 18.*

### The law is clear

- Communicate to all employees that it is against the law to sell, distribute or furnish cigarettes or other tobacco products to anyone younger than the age of 18. Emphasize that employees must comply with the law.
- Signs must be posted.
- Post a sign, visible to customers at the counter, clearly stating that the sale of tobacco products to anyone younger than age 18 is prohibited.
- Post the warning sign about fines in the employees' break room.
- Post a sign stating, **"It is a violation of State Law for cigarettes or other tobacco products to be sold or otherwise provided to any person under the age of 18 or for such person to purchase, attempt to purchase or possess cigarettes or other tobacco products."** on each tobacco display.



## Clerks in violation will be fined

- Inform your employees that they can be fined up to \$700 for selling tobacco products to anyone younger than the age of 18.
- Make employees aware that the law is being enforced. The state is conducting random spot checks of retailers. Teenagers younger than age 18 are accompanying inspectors to test whether retailers are likely to sell tobacco products to minors.

## Check ID. Confirm identity. Calculate age.

- Remind employees to request picture identification (ID) from anyone purchasing tobacco that appears to be younger than the age of 27. Have employees practice a short phrase such as “May I see some picture ID, please?” Do not simply ask customers their age.
- Instruct employees on how to read an ID. Valid ID includes an Oregon Driver’s License, state-issued ID, valid passport, or military ID.
- Instruct employees that checking ID is not enough. Clerks must confirm that the identity on the card matches the potential customer. Clerks must also calculate age. Post signage to help new employees with calculation.
- Instruct employees how to calculate age, by subtracting 18 years from the current date. For instance, if today is 9-1-2007, the customer’s birth date must be 9-1-1989 or earlier to make him or her old enough to buy tobacco.

- Explain to employees that checking ID is the best way to make sure tobacco is not sold to anyone younger than age 18. Caution employees against relying on visual appearances. Height, build, facial hair, make-up, clothing and attitude may lead employees to assume teens are older than they are.
- Remind employees they cannot sell tobacco products to anyone younger than the age of 18 even if the youth states it is for a parent. A written note from a parent or guardian giving permission **is not acceptable**.

## Offer support to help clerks comply with the law.

- Watch employees and ask them to remind each other to ask for ID. If they forget, interrupt the sale and ask the buyer yourself, setting an example for employees.
- Have employees practice saying “I’m sorry, but I can’t sell tobacco products to anyone younger than 18 years of age.”
- Remind employees that they are obeying the law. Make sure they understand you will support them if they refuse sale to any customer.
- Reassure employees that checking ID is important, no matter how many people are in line. Each employee is responsible for not selling to anyone younger than the age of 18.

- Inform employees to tell customers who complain about your policy that state law prohibits the sale of tobacco products to anyone younger than the age of 18 and there are penalties for not complying with the law.
- Have employees practice saying, "If I sell to you, I can be fined up to \$700."
- Reinforce your policy regularly by reminding employees about the law at staff meetings, through break room notices, signage, newsletters and payroll stuffers. Encourage employees to remind one another.



## Stop illegal tobacco sales — employee tips

### What does Oregon's law say about tobacco sales to minors?

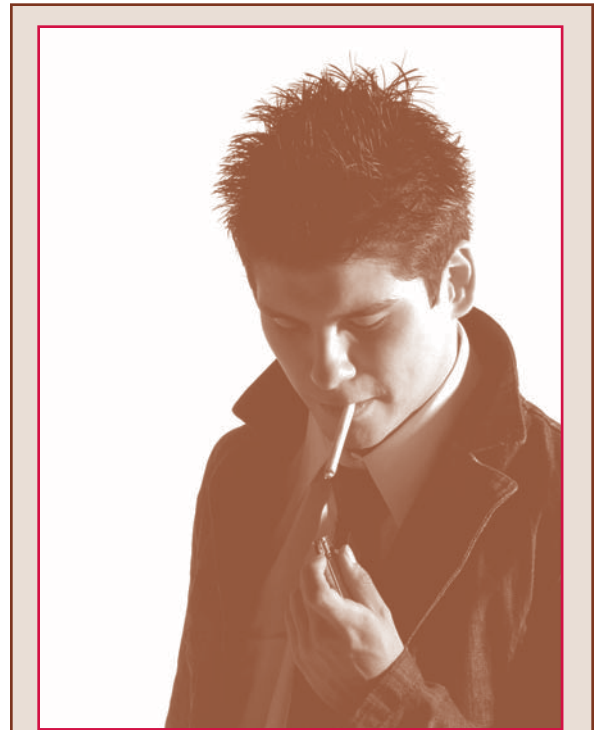
It is illegal to sell tobacco or tobacco-related products to anyone younger than age 18.

### How can I comply with the law?

Check ID. Confirm identity.  
Calculate age.

1. Check ID of anyone who is obviously younger than age 18. A good rule of thumb is to check anyone who appears younger than 27.
2. Confirm that the ID represents the person presenting it.
3. Calculate the person's age. If the individual is younger than age 18, **DO NOT** sell them tobacco.

Additionally, **DO NOT** feel rushed when checking ID, no matter how many people are in line. It is your job to make sure that you do not sell tobacco products to anyone younger than age 18.



*Remember, it is your responsibility to make sure you do not sell tobacco products to anyone younger than age 18.*

### What is considered valid ID?

Picture identification such as a valid Oregon's driver license, state ID, valid passport or military ID is necessary to determine the customer's age.

### May I sell tobacco to a child who is buying it for a parent?

No! Children may not purchase tobacco under any circumstances. There are no exceptions. Parents may not send children into a store to buy

tobacco or give permission through a note. In this regard, the law concerning tobacco sales is the same as for alcohol sales.

A minor acting under the supervision of an adult may purchase, attempt to purchase or acquire tobacco products for the purpose of testing compliance with a federal, state or local law, or a retailer management policy limiting or regulating the delivery of tobacco products to minors.



## Consider it the easiest sale you **NEVER** made

It is against the law to sell tobacco products to individuals younger than age 18. This includes cigarettes, chewing tobacco, and related products. State law enforcement officials are aggressively enforcing this law by conducting random checks of retailers throughout the state. Sales clerks in violation will be fined up to \$700.

**REMEMBER: If you are a sales clerk, it is your responsibility to make sure you are not selling tobacco or tobacco-related products to anyone younger than age 18.**

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# Currently valid Oregon driver license designs

## Interim cards issued at DMV field offices starting in mid-2007

Interim cards are printed in black on gold paper. They hold the same data as the final card, including barcodes (readable with up-to-date software). You may wish to ask holders for additional proof of ID.



## Digital photo cards issued centrally starting in mid-2007

Centrally issued cards have the same security features in place since 2004, but the rainbow colored lines and laminate extend to the edges of the card, and the plastic is thinner but stronger.



## Digital photo cards issued over the counter from 2004 to 2007

Cards issued over the counter from 2004 to 2007 added new security features. The last of these will expire in mid-2015.



## Digital photo cards issued over the counter from 1997 to 2004

The first generation of digital photo cards was issued from 1997 to 2004. The last of these will expire in 2012.



[www.OregonDMV.com](http://www.OregonDMV.com)

Fall 2007



# How to read an Oregon ID

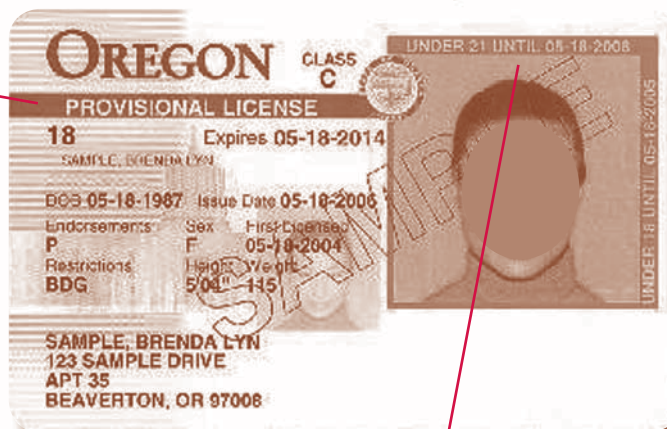
Oregon sales clerks should check for valid ID of any person who appears under the age of 27 before selling them tobacco. There are no "tobacco specific" forms of picture ID. However, the following forms of ID are acceptable as proof of age: Passport, Driver's License with picture from Oregon or another state, Oregon Identification Card, and any other ID card issued by a state or military which displays the person's photo, name, address, date of birth, physical description and signature.

Most customers carry an Oregon Driver's License or the Oregon Identification Card. Both are issued by the Oregon Driver and Motor Vehicles Service Branch (DMV). They are almost identical in appearance.

Employees should not feel rushed or pressured when checking a customer's ID. Careful checking is essential in order to comply with the law. But a quick check of an Oregon Driver's License can often be completed by looking at the following two areas:

## PROVISIONAL INSTRUCTION PERMIT PROVISIONAL DRIVER LICENSE

*Oregon issues a Provisional Instruction Permit/License to all drivers under the age of 18. If you see this line, there's a good chance the potential customer is under 18. Note: this is not a steadfast rule: some drivers over 18 may still carry a Provisional Driver's License. Double-check the Minor Until date.*



## MINOR UNTIL

*This date refers to the date on which the individual will turn 21. Since, for tobacco sales, the customer need only be 18 or older, use this date to calculate age. Subtract three years from the date shown. If that date is later than today's date, you cannot sell the customer tobacco. The Minor Until feature is only on licenses of those under 21.*

## Confirm authentic ID

Confirming that the identity of the person showing you the ID matches the photo on the ID is an essential step in checking ID. In addition, the following characteristics of an authentic Oregon Driver's License, Provisional Instruction Permit, Provisional Driver's License or Oregon ID can help confirm that the ID you're seeing is authentic. ( continued on back )

The 'credit-card styled' Oregon Driver's License features:

**Front:**

- Color photo
- Portrait backgrounds in blue
- Driver's license number or customer number
- Holographic image in laminate prevents tampering (not shown)
- The word 'OREGON' is blue on Oregon Driver's Licenses, Provisional Instruction Permits and Provisional Driver Licenses, red on Commercial Driver's Licenses (CDL); Green on Oregon ID cards



**Back:**

- Signature strip. Card is not valid unless signed.
- One-dimensional bar codes
- Explanation of class, endorsements and restriction
- Two-dimensional bar code
- Anatomical donor notice printed on customer's request



**Beware of fake ID**

Fake IDs are out there. Here's what to look for:

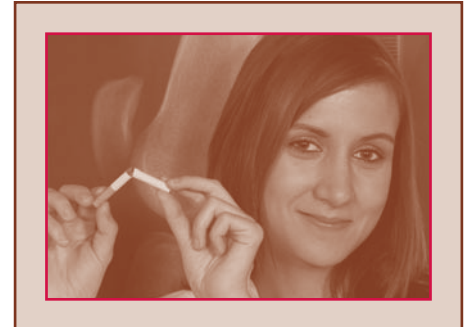
- Fuzzy or dark photos
- Bumps or splits in the lamination
- Erasure marks
- Type that doesn't line up or match
- Damaged paper surface
- Information pasted on the card to cover original date of birth
- Signs of altered signature

If you suspect an ID is not valid, and the individual is under 18, do not sell tobacco to that customer.

Under **18?**  
**[ No tobacco  
 No sale  
 NO KIDDING ]**

# Local tobacco coordinators

Contact your local tobacco prevention coordinator for technical assistance or further information.



**Baker County Commission  
on Children & Families**  
541-523-8231

**Benton County Health Department**  
541-766-6250

**Clackamas County  
Health Department**  
503-655-8430

**Clatsop County Health Department**  
503-756-2020 x 546

**Crook County Health Department**  
541-416-2136

**Curry County Health Department**  
541-247-3300

**Deschutes County  
Tobacco Prevention**  
541-322-7481

**Douglas County  
Health Department**  
541-957-3500

**Gilliam County Commission  
on Children & Families**  
541-384-2399

**Grant County Mental Health**  
541-575-1466

**Harney Behavioral Health**  
541-573-8376

**Hood River Commission  
on Children & Families**  
541-386-3335

**Jackson County Health Department**  
541-774-8021

**Jefferson County Health Department**

541-475-4456

**Josephine County Health Department**

541-474-5325

**Klamath County Health Department**

541-882-8846

**Lake County Mental Health**

541-947-6021

**Lane County Health & Human Services**

541-682-4280

**Lincoln County Human Services**

541-265-4112

**Linn County Department  
of Health Services**

541-967-3888

**Malheur County Health Department**

541-889-7279

**Marion County Health Department**

503-588-5387

**Morrow County Health Department**

541-676-5421

**Multnomah County Health Department**

503-988-3663 x 29356

**Polk County Health Department**

503-623-8175

**Tillamook County Health Department**

503-542-3900

**Umatilla County Health Department**

541-278-5432

**Union County Center  
of Human Development**

541-962-8801

**Wallowa County Tobacco Program**

541-426-4848

**Wasco-Sherman County  
Health Department**

541-506-2600

**Washington County Health Department**

503-846-4402

**Wheeler County Health Office**

541-763-2725

**Yamhill County Health Department**

503-434-7375

