

Best practices guide for retailers

Oregon's Tobacco Retail License (TRL) program conducts annual inspections to ensure that commercial tobacco retailers are following state and federal tobacco sales laws. This guide shares tips and best practices from retailers and compliance staff.



Tips from fellow retailers

- ❑ Spend time training new staff on ID checking and tobacco sales laws.
 - You can use the [How to Read an Oregon ID](#) handout.
 - The [Manual for Retailers](#) details each of the tobacco sales laws.
- ❑ Develop training policies and re-visit them with staff *quarterly* or *twice a year*.
- ❑ Consider using standard training material and review this with staff when hired and on a reoccurring schedule.
 - You can track these trainings by keeping a log for each employee and having them sign to show their understanding.
 - Visit the [TRL program website](#) for training materials.
 - The TRL website has many materials available in the following languages: Arabic, Hindi, Korean, Punjabi, Russian, Spanish, Vietnamese, and Simplified Chinese.
- ❑ Consider having incentives in place for employees that pass inspections.
- ❑ Some retailers use a secret shopper service to prepare their staff for real inspections.
- ❑ Know that TRL inspections can occur during any open business hour – this could be weekends or evenings.

- ❑ Supervisors and managers can set the example. Do you want staff to check IDs or use the age verification scanner every time? Lead them by showing them that you follow these same practices.



Identification (ID) checking practices

Using an age verification scanner can be a helpful way to stop human error when checking ID's.

Studies show that reports of retailers having (vs. not having) ID scanners were related to a much higher likelihood of compliance. In one study this showed a 71% pass rate for those who used an age verification system vs. 45% pass rate for those who did not.*

- Check your point-of-sale system. Many have a built-in age verification feature.
- A store may choose to check the ID of anyone who wants to purchase tobacco products or e-cigarettes. Spend time looking at the ID- *don't rush*.
- Check the ID first, before grabbing the product and placing it on the counter.
- Always enter the date of birth on the ID, never enter a false date.
- If you are unsure—ask a co-worker or manager for help or deny the sale.
- Use the red box on the ID as a guide.
- Do not rely entirely on a customer's appearance or behavior when checking the ID.
 - Some people under 21 act very confident and sure of themselves.
 - Some people under 21 may have a beard, a mustache, or a bald or shaved head.
 - Some people under 21 might appear nervous, may not make eye contact, may not have facial hair, or may have smooth, unlined faces.

How to check under 21 ID

An Oregon driver license and an Oregon ID card include the dates the person turns age 18 and 21. The dates are inside a red box on the right side of the card.



Tips for managers or owners

- ❑ If using an age verification system, disable the override button.
 - Ensure all age restricted products are in the point-of-sale system.
- ❑ Do staff know what to do if the age verification system denies a sale? Compliance staff have seen confusion from salesclerks across the state when the age verification system denies the sale. Take time to train staff that if the age verification system denies the sale, the clerk should not override the system.
- ❑ Consider checking everyone's ID regardless of age.
 - Take time to train employees; repetition enforces learning.

“It all comes down to company culture. We try and run our business ethically and responsibly and certainly don’t want young adults to have access.”

**- Jonathan Polonsky
CEO Plaid Pantry**

Compliance inspection tips

The [How to Comply with Oregon Tobacco Laws](#) checklist is a great tool to review before inspections, so you know what to expect during an inspection.

- Check your retail store to make sure tobacco and nicotine products are **behind a counter or only in areas where employees can access them**, unless the business is 21 and older only.
- Inspectors will be looking for Inhalant Delivery System (IDS), also known as vapes or e-cigarettes, child-resistant packaging **certificates of conformity**. Learn more by clicking [here](#).
 - Keep these in a binder or location that is easy for any staff to find.
 - Review these on a schedule or with each new shipment to ensure you have [certificates of conformity](#) for each of the items that require this.



How to Comply with Oregon Tobacco Laws

Oregon's tobacco retail license program is a collaboration between Oregon Health Authority (OHA) and the Oregon Department of Revenue (DOR). OHA conducts retailer education and outreach, as well as inspections and enforcement to prevent sales to people under the age of 21 and ensure compliance with tobacco sales laws. DOR issues licenses to retailers, annually renews licenses, collects fees associated with licenses, and issues penalties to retailers selling tobacco without a license.

To ensure you stay in compliance, here is a list of state and federal tobacco sales laws that OHA and DOR will inspect for:

- ❑ **Securing a tobacco retail license:** An Oregon state tobacco retail license is required to sell tobacco products or inhalant delivery systems (IDS)—also known as “e-cigarettes.”
- ❑ **Properly displaying retail license:** It is required that the tobacco retail license is displayed in a place visible to customers and employees.
- ❑ **Displaying state sign:** It is required to post the State Notice sign that states that it is unlawful to sell tobacco or IDS to customers under 21.
- ❑ **Not selling to people under 21:** It is prohibited to sell tobacco products to people under the age of 21.

Common problems

- Not asking for an ID for someone who looks younger than 30 years old – if you aren't sure, ask for the ID every time.
- Scanner issue – if the scanner is used and it denies the sale, pause, and really look at what is happening. Why was the ID denied?
- Asking for the ID but not checking the age or miscalculating the age.
- Accepting an ID that is not a government issued photo ID.
- Overriding the computerized system for someone who looks under 30 years old by entering a fake birthdate or using your personal ID.
- Allowing the sale of tobacco products by untrained employees.

Contact us

Do you have additional questions, or do you have suggestions to add to this document?

Contact us at Tobacco.inspections@odhsoha.oregon.gov or 971-673-2283.

This is a guidance document intended to provide helpful information and tips for Oregon tobacco retailers. Following guidance in this document is an independent business decision and does not ensure compliance with state and federal tobacco sales laws.

Citations: *Roberts et al. 2021. SNRT. *Beyond Strong Enforcement: Understanding the factors Related to Compliance With Tobacco 21*.

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the Tobacco Retail License Program at Tobacco.inspections@odhsoha.oregon.gov or 971-673-2283. We accept all relay calls.

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