

COMMOTION SEE RED

It is illegal to sell tobacco products to anyone under the age of 18. Educate retailers and help put a stop to underage tobacco sales by supporting the **SEE RED?** initiative.

Here's how to participate:

CONTACT

Contact Bidy at Biddy.C.Bostic@wv.gov and she'll send you the **SEE RED?** stickers and posters you'll need to complete this Commotion. We'll also send you some RAZE swag for participating.

PREPARE

Prepare for your Crew's visit to local retailers by reviewing the **SEE RED?** materials. Decide what retailers your Crew will visit and practice what your Crew will say. Plan to have an Adult Advisor present at all times. Groups of two to three work best.

GO

Go talk to local tobacco product retailers in your area. Explain to them that you want to help them stay in compliance with the law and avoid fines. Encourage the retailers to post the **SEE RED?** stickers and posters to remind their clerks to stay in compliance.

COMPLETE

Complete the **SEE RED?** site visit form for each retailer you visit and return a copy to Bidy at Biddy.C.Bostic@wv.gov. Then register your **SEE RED?** Commotion on the RAZE website.

Material examples:



STICKER



POSTER

The **SEE RED?** initiative can be registered as a Commotion and **qualifies as a community service project!** Simply send community service form(s) to Biddy.C.Bostic@wv.gov who will sign and return to you or the student's counselor.

RAZE
tear down tobacco lies.

COMMOTION SEERED

Procedures for Retailer Education Visits

Before Visiting Retailers...

- > Make sure that you read all the “See Red?” and FDA material and know what they mean.
- > Determine the make up of your team (two or three people) who will take turns explaining materials and the consequences.
 - Never conduct a visit without another team member AND an Adult Advisor present.
- > Before actually going into the stores, make sure you decide what you will say and practice it.

When Going In to Talk to Merchants...

- > Ask to speak to a manager.
 - In larger chain stores such as Kroger, Wal-Mart, Weiss, etc. you will need to ask for the front end manager (or the person who trains the clerks). If the front end manager or shift manager is not available, ask for the store manager.
 - If the manager is not on the premises, then speak with the clerk(s).
- > Introduce yourself and your team members. Tell them what community organization you represent.
- > Show them the materials (stickers and posters) and then:
 - Ask if they have received these materials. Leave the materials even if they already have them.
 - Emphasize that the materials will help clerks stay in compliance with the law so that the clerks and stores won't get in trouble for selling tobacco to customers under 18.
 - Explain the materials – quickly going through each piece.
 - Tell them that by displaying the materials at the point of sale (near the register) and using the register stickers, it will remind the clerk at the time of sale to ALWAYS check the customer's ID to make sure that they are 18 or over. If the license has a red background or is vertical, they need to check in the upper right-hand corner to check the date the customer turns 18. The clerk ALWAYS has the right to refuse a sale.
- > If they have questions for you that you don't feel comfortable answering, give them one of the contact cards and invite them to call Biddy Bostic with WVDHHR's Bureau for Behavioral Health and Health Facilities at (304) 356-4795.

COMMOTION SEERED

Points to Include in Your Retailer Dialogue

Introduce yourself. Give your name and the name(s) of your group.

Describe the organization you represent. You're with RAZE the teen-led movement that encourages teens to never start or stop using tobacco.

Ask to speak with the store manager or shift manager. Should neither of them be available, speak with a clerk or ask them to share the information with managers and other employees.

Explain why you're there. Your goal is to help stores and clerks in your area comply with tobacco compliance laws and avoid fines. Briefly explain that West Virginia State Code §16-9A-2 does not allow tobacco products to be sold to customers under the age of 18. The Food and Drug Administration (FDA) requires that retailers ask for photo ID of everyone who looks under the age of 27. Then, explain the materials (posters and stickers).

Encourage the manager to post the stickers and posters near the point of sale. This is the register.

Don't forget to emphasize why it is important for retailers to understand the importance of a red license. The background of the license of a West Virginia youth under the age of 18 has a red background and is vertical. In the upper right-hand-corner of the license, it shows the date the youth turns 18. Anything before that date means that the customer is not old enough to purchase tobacco products.

Thank them for their time.

Remember...

- If you have been a youth inspector, don't mention the fact.
- If the merchant becomes rude or argumentative, end the session and let us know.
- If there are questions beyond what is contained in materials or the retailer would like additional stickers and posters, refer them to WVDHHR's Bidy Bostic (304-356-4795).

COMMOTION SEERED

Retailer Education Training Tips

Be Professional and Be Polite. You are not only representing your organization, but you are also representing the work implemented by the WV Department of Health and Human Resources Bureau for Behavioral Health and Health facilities, their grantees and RAZE.

Dress For Success. You don't have to get dressed up. Jeans and sweats are ok. Just make sure that the clothes that you wear are clean and not torn. Please don't wear clothing with a logo or slogan (i.e., Budweiser, Marlboro, I'm with Stupid, etc.).

Be Prepared. Make sure that you know what you're going to say, who is going to say what, and have the materials ready to give to the retailer.

Practice. If you are dividing up what you're going to say with someone else, take time to practice/role play. You don't have to say what is written verbatim; just know what it means and put it in to your own words. We're just trying to help the retailers stay in compliance with the law.

Focus on Education. Do not talk about Synar or FDA inspections. If you receive questions about inspections, refer them to Bidy Bostic at the WVDHHR/Bureau for Behavioral Health & Health Facilities (304-356-4795). If you have been a youth inspector during Synar or FDA inspections, do not mention that during your visit.

Don't be Uptight. This is a great opportunity for you to do some public speaking and community service as well as help retailers in your county stay in compliance with state and federal laws.

AND HAVE FUN!!!

COMMOTION SEE RED

About the Retailer Education Initiative

The U.S. Food and Drug Administration (FDA) requires that retailers verify the age of purchasers of cigarettes or smokeless tobacco who are under the age of 27 by means of photographic identification that contains the bearer's date of birth.

Retailers should always check the 18th birth date in the upper right-hand corner of the ID. If today's date is before the birth date listed on the license, the customer is not old enough to buy tobacco products.

Employees who sell or furnish tobacco products to minor youth may be dismissed on the grounds of gross misconduct in accordance with WV State Code Chapter 16, Article 9A-2, if the employer has provided the employees with prior written notice in the workplace that such act or acts may result in the employees termination from employment. Firms, corporations and individuals who violate the provisions of §16-9A-2 will be guilty of a misdemeanor and fined.

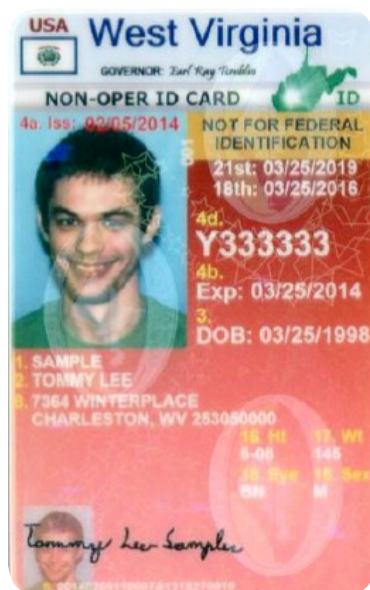
It is against the law to sell tobacco products to anyone under the age of 18.

Tobacco products include:

- Cigarettes
- Cigarette paper
- Pipes
- Cigars
- Snuff
- Snus
- Chewing tobacco
- Any product containing tobacco
- Alternative nicotine products
- Electronic cigarettes and vapor products



**WV DRIVER'S LICENSE
UNDER 18**



**NON-OPERATOR ID
UNDER 18**

The **SEE RED?** Retailer Education Initiative is funded by the Federal Substance Abuse Prevention Block Grant and is administered through the West Virginia Department of Health and Human Resources, Bureau for Behavioral Health and Health Facilities.

COMMOTION SEERED

About the Retailer Education Initiative

West Virginia State Code §16-9A, Tobacco Usage Restrictions, was amended in 2014.

16-9A-2. Definitions; sale or gift of cigarette, cigarette paper, pipe, cigar, snuff, chewing tobacco, pipe tobacco, roll-your own tobacco, tobacco products, tobacco derived and alternative nicotine product or vapor products to persons under eighteen; penalties for first and subsequent offense; consideration of prohibited act as grounds for dismissal; impact on eligibility for unemployment benefits.

(a) For purposes of this article, the term:

- (1) "Tobacco product" and "tobacco-derived product" means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco or other common tobacco-containing products. A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products and vapor products. "Tobacco product" or "tobacco-derived product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.
- (2) "Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.
- (3) "Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

(b) No person, firm, corporation or business entity may sell, give or furnish, or cause to be sold, given or furnished, to any person under the age of 18 years:

- (1) Any pipe, cigarette paper or any other paper prepared, manufactured or made for the purpose of smoking any tobacco or tobacco product;
- (2) Any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form; or
- (3) Any tobacco-derived product, alternative nicotine product or vapor product.

(c) Any firm or corporation that violates any of the provisions of subsection (b) of this section and any individual who violates any of the provisions of subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$50 for the first offense. Upon any subsequent violation at the same location or operating unit, the firm, corporation or individual shall be fined as follows: At least \$250 but not more than \$500 for the second offense, if it occurs within two years of the first conviction; at least \$500 but not more than \$750 for the third offense, if it occurs within two years of the first conviction; and at least \$1,000 but not more than \$5,000 for any subsequent offenses, if the subsequent offense occurs within five years of the first conviction.

(d) Any individual who knowingly and intentionally sells, gives or furnishes or causes to be sold, given or furnished to any person under the age of 18 years any cigar, cigarette, snuff, chewing tobacco, tobacco product or tobacco-derived product, in any form, is guilty of a misdemeanor and, upon conviction thereof, for the first offense shall be fined not more than \$100; upon conviction thereof for a second or subsequent offense, is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

(e) Any employer who discovers that his or her employee has sold or furnished tobacco products or tobacco-derived products to minors may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits in accordance with the provisions of section three, article six, chapter twenty-one-a of this code, if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in their termination from employment.

COMMOTION SEERED

Retailer Education Site Visit Survey

Please fill out one survey for each retailer you visit.

1. County:

- | | | | | |
|-------------------------------------|------------------------------------|-------------------------------------|-----------------------------------|----------------------------------|
| <input type="checkbox"/> Barbour | <input type="checkbox"/> Hampshire | <input type="checkbox"/> McDowell | <input type="checkbox"/> Putnam | <input type="checkbox"/> Wirt |
| <input type="checkbox"/> Berkeley | <input type="checkbox"/> Hancock | <input type="checkbox"/> Mercer | <input type="checkbox"/> Raleigh | <input type="checkbox"/> Wood |
| <input type="checkbox"/> Boone | <input type="checkbox"/> Hardy | <input type="checkbox"/> Mineral | <input type="checkbox"/> Randolph | <input type="checkbox"/> Wyoming |
| <input type="checkbox"/> Braxton | <input type="checkbox"/> Harrison | <input type="checkbox"/> Mingo | <input type="checkbox"/> Ritchie | |
| <input type="checkbox"/> Brooke | <input type="checkbox"/> Jackson | <input type="checkbox"/> Monongalia | <input type="checkbox"/> Roane | |
| <input type="checkbox"/> Cabell | <input type="checkbox"/> Jefferson | <input type="checkbox"/> Monroe | <input type="checkbox"/> Summers | |
| <input type="checkbox"/> Calhoun | <input type="checkbox"/> Kanawha | <input type="checkbox"/> Morgan | <input type="checkbox"/> Taylor | |
| <input type="checkbox"/> Clay | <input type="checkbox"/> Lewis | <input type="checkbox"/> Nicholas | <input type="checkbox"/> Tucker | |
| <input type="checkbox"/> Doddridge | <input type="checkbox"/> Lincoln | <input type="checkbox"/> Ohio | <input type="checkbox"/> Tyler | |
| <input type="checkbox"/> Fayette | <input type="checkbox"/> Logan | <input type="checkbox"/> Pendleton | <input type="checkbox"/> Upshur | |
| <input type="checkbox"/> Gilmer | <input type="checkbox"/> Marion | <input type="checkbox"/> Pleasants | <input type="checkbox"/> Wayne | |
| <input type="checkbox"/> Grant | <input type="checkbox"/> Marshall | <input type="checkbox"/> Pocahontas | <input type="checkbox"/> Webster | |
| <input type="checkbox"/> Greenbrier | <input type="checkbox"/> Mason | <input type="checkbox"/> Preston | <input type="checkbox"/> Wetzel | |

2. Store Name: _____

3. Store Address: _____

4. Date of Visit: _____

5. Time of Visit: _____

6. Length of Visit:

- 1-5 minutes
- 6-10 minutes
- 11-15 minutes
- >15 minutes

COMMOTION SEERED

Retailer Education Site Visit Survey

7. Type of Establishment (Choose One):

- | | |
|--|--|
| <input type="checkbox"/> Supermarket/Grocery | <input type="checkbox"/> Convenience Store |
| <input type="checkbox"/> Gas Station | <input type="checkbox"/> Drug Store |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Department Store |
| <input type="checkbox"/> Vapor Store | <input type="checkbox"/> Tobacco Store |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Other |

8. Spoke With: Clerk Store Manager Owner

9. On a scale of 1 – 5, how interested was the clerk/store manager/store owner?

Not Interested 1 2 3 4 5 Very Interested

10. Did the clerk/store owner/manager have any questions or comments? If so, what were they?

11. Your comments

12. Did you notice signage? (We Card, ABCA, See Red? Other) Yes No

13. Did you leave material with clerk/manager/owner? Yes No

14. Student Educators: _____

15. Sponsor/Adult Advisor: _____