

MANAGERS, WHAT CAN YOU DO?



1.

EDUCATE YOURSELF AND YOUR STAFF!

This packet contains information that will help you keep your staff educated about current tobacco laws.

2.

KEEP YOUR EMPLOYEES INFORMED!

Review tobacco policies during staff meetings. Reinforce to your employees to NOT sell tobacco to minors! REMIND THEM THAT LOCAL LAW ENFORCEMENT WILL DO COMPLIANCE CHECKS!

3.

DISPLAY SIGNS AND DECALS!

Place warning labels and signs on store doors, at the register, and wherever tobacco products are displayed. If you need more materials, please call the Tobacco Prevention and Control Program at 307-777-6541.

4.

FIND OUT HOW WELL YOUR EMPLOYEES ARE DOING!

During staff meetings, conduct pop quizzes and question your staff about the state law. Check to see if your clerks can accurately determine the correct age on the customer's I.D. to determine if he/she is over 21 years of age.

5.

PRAISE YOUR STAFF AND REWARD THEM!

Consider incentives for not selling to minors.

- longer lunch
- day off w/pay
- gift certificate
- reward/recognition



NOTICE FOR INCLUSION WITH PAYCHECKS

It is against the law to sell tobacco products to individuals under age 21.

This includes cigarettes, chewing tobacco, and related products.
Violators will be subject to a fine of up to **\$750.00.**

REMEMBER: DON'T SELL TOBACCO PRODUCTS TO PEOPLE UNDER THE AGE OF 21. IT'S AGAINST THE LAW.



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EMPLOYEE AGREEMENT



I **understand** that Wyoming State Law prohibits the sale of tobacco products to persons under 21 years of age. I have reviewed the Guidelines regarding the sale of tobacco products to minors and understand that failure to adhere to store policy could result in disciplinary action, including loss of my job, as well as the imposition of a **fine up to \$750**.

I agree to the following rules and company policy about the sale of tobacco products:

- I will not sell tobacco products to any persons under the age of 21.
- If the person appears to be under the age 27, I will ask for identification. If there is any doubt about the person's age, I will NOT make the sale.
- I will not knowingly sell tobacco to any adult for use by individuals under the legal age.

Employee's Signature and Date

Store Manager's Signature and Date

(This agreement will be maintained in your personnel file as part of your permanent employee record).

MANAGEMENT NOTICE TO EMPLOYEES



Studies show that minors in our community easily buy tobacco products even though Wyoming State law prohibits sales to anyone under the age of 21. To stop the sale of tobacco to minors and to comply with Wyoming State Law, the following policy is effective immediately.

CHECK I.D. FOR ANYONE UNDER AGE 27!

**THIS BUSINESS WILL NOT SELL
CIGARETTES, CIGARS, CHEWING TOBACCO,
OR SMOKELESS TOBACCO TO A MINOR.**

You can be fined between \$50 to \$750 for selling cigarettes, chewing tobacco, or smokeless tobacco to anyone under the age of 21.

You must request a picture I.D. from anyone attempting to purchase tobacco products or paraphernalia who appears to be under the age of 27.

If a customer complains about this policy, please explain that Wyoming State Law prohibits not only the sale of tobacco products and paraphernalia to those under the age of 21, but also the possession of tobacco products and paraphernalia to individuals in this age group.

Failure to adhere to store policy will result in disciplinary action and a fine of up to **\$750.**

Signature

Date

EMPLOYEES, PROTECT YOURSELF BY CHECKING I.D.'s



HOW TO MAKE SURE YOU DON'T SELL TOBACCO TO MINORS:

CHECK THEIR I.D.!

Ask anyone who looks under 27 to show you a picture I.D. Asking the customer if he or she is 21 or older is not enough – you must see an I.D.

CHECK THE BIRTH DATE! THEY MUST BE 21!

To figure out if a person is old enough, just subtract 21 years from the current date. For instance, if today is 01-1-26, the person's birth date must be 01-1-05 or before to make him/her at least 21 years old. It is as simple as $2026 - 21 = 2005$.

WHEN HASSLED TRY:

“Selling tobacco to you without checking your I.D. isn't worth \$750 and my job.”

“On my shift, I don't sell tobacco to anyone without checking their I.D..”

“I'm not about to get fined for selling tobacco to you.”

QUESTION: What if a kid is hassling me to sell them tobacco?

ANSWER: Call local law enforcement!

BE POLITE! BE FIRM! YOU'RE DOING THE RIGHT THING BY NOT SELLING!

REMEMBER!

Selling tobacco products to someone under 21 years of age could cost you:

- A fine up to \$750.00.
- Your JOB!

ASK "GOT I.D.?" BEFORE IT'S TOO LATE!

WYOMING STATUTE 14 ARTICLE 3 SALE OF TOBACCO



14-3-301. DEFINITIONS.

(a) As used in this article:

- (i) "Tobacco products" means any substance containing tobacco leaf or any product made or derived from tobacco that contains nicotine including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;
- (ii) "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses nicotine products;
- (iii) "Retailer" means a business of any kind at a specific location that sells nicotine products to a user or consumer;
- (iv) "Self service display" means any display of nicotine products that is located in an area where customers are permitted and where the nicotine products are readily accessible to a customer without the assistance of a salesperson;
- (v) "Electronic cigarette" means any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine material to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;
- (vi) "Nicotine products" means tobacco products and electronic cigarettes;
- (vii) "Vapor material" means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette.
- (viii) "Edible products" means any product intended for consumption, including but not limited to baked goods, candies, gummies and liquids, that contains tetrahydrocannabinol, a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi) or their analogs;
- (ix) "Tetrahydrocannabinol" means:
 - (A) The psychoactive component of the cannabis plant, with the scientific name trans-delta 9-tetrahydrocannabinol;
 - (B) Psychoactive synthetic analogs of tetrahydrocannabinol; or
 - (C) Any psychoactive structural, optical or geometric isomers of tetrahydrocannabinol.
- (x) "Vaping products" mean any device containing tetrahydrocannabinol that is being or has been used to deliver aerosolized or vaporized tetrahydrocannabinol to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Vaping products" include, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device that uses or contains tetrahydrocannabinol. "Vaping products" do not include a battery or battery charger if sold separately from the vaping product and do not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.
- (xi) "Analog" means a substance:
 - (A) Whose chemical structure is substantially similar to the chemical structure of a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi); or
 - (B) That has a stimulant, depressant or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance listed under W.S. 35-7-1014(d)(xiii) or (xxi).

WYOMING STATUTE 14 ARTICLE 3 SALE OF TOBACCO



14-3-302. PROHIBITED SALES OR DELIVERY.

- (a) No individual shall sell, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.
- (b) Any individual violating W.S. 14-3-309 or subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than:
 - (i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;
 - (ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;
 - (iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.
- (c) No retailer shall sell, permit the sale, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.
- (d) Any person violating subsection (c) of this section is guilty of a misdemeanor punishable by a fine of not more than:
 - (i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;
 - (ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;
 - (iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period.
- (e) In addition to the penalties under paragraph (d)(iii) of this section, any person violating subsection (c) of this section for a third or subsequent time within a two (2) year period may be subject to an injunction. The department of revenue or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of nicotine products in the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (c) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling nicotine products in the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments, the injunction shall apply only to the establishment where the violation occurred. The injunction shall prohibit all sales of nicotine products in the establishment where the violation occurred, regardless of any change in ownership or management of the establishment that is not a bona fide, arms length transaction while the injunction is in effect.
- (f) It is an affirmative defense to a prosecution under subsections (a) and (c) of this section that, in the case of a sale, the person who sold the nicotine product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the nicotine product as being over twenty-one (21) years of age.
- (g) Notwithstanding the provisions of subsection (d) of this section, no fine for a violation of subsection (c) of this section shall be imposed for a first offense in a twenty-four (24) month period if the retailer can show it had:
 - (i) Adopted and enforced a written policy against selling nicotine products to persons under the age of twenty-one (21) years;
 - (ii) Informed its employees of the applicable laws regarding the sale of nicotine products to persons under the age of twenty-one (21) years;
 - (iii) Required employees to verify the age of nicotine product customers by way of photographic identification or by means of electronic transaction scan device; and
 - (iv) Established and imposed disciplinary sanctions for noncompliance.

WYOMING STATUTE 14 ARTICLE 3 SALE OF TOBACCO



14-3-303. POSTED NOTICE REQUIRED; LOCATION OF VENDING MACHINES.

- (a) Any person who sells nicotine products shall post signs informing the public of the age restrictions provided by this article at or near every display of nicotine products and on or upon every vending machine which offers nicotine products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of nicotine products to persons under twenty-one (21) years of age is prohibited by law. Any person who owns, operates or manages a business where nicotine products are offered for sale at retail and at which persons under the age of twenty-one (21) are allowed admission with or without an adult, shall maintain all nicotine products within the line of sight of a cashier or other employee or under the control of the cashier or other employee. For purposes of this subsection:
- (i) "Within the line of sight" means visible to a cashier or other employee while at the sales counter; and
 - (ii) "Under control" means protected by security, surveillance or detection methods.
- (b) No person shall sell or offer nicotine products:
- (i) Through a vending machine unless the vending machine is located in:
 - (A) Businesses, factories, offices or other places not open to the general public;
 - (B) Places to which persons under the age of twenty-one (21) years of age are not permitted access; or
 - (C) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under twenty-one (21) years of age is prohibited.
 - (ii) Through a self service display except in:
 - (A) A vending machine as permitted in paragraph (i) of this subsection; or
 - (B) A business where entry by persons under twenty-one (21) years of age is prohibited.
- (c) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable by a fine of not more than:
- (i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;
 - (ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;
 - (iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period.
- (d) For purposes of subsection (c) of this section, each day of continued violation under subsection (a) or (b) of this section shall be deemed a separate offense.
- (e) In addition to the penalties under paragraph (c)(iii) of this section, any person violating subsection (a) or (b) of this section for a third or subsequent time within a two (2) year period may be subject to an injunction. The department or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of nicotine products from the vending machines or the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (a) or (b) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling nicotine products from vending machines or from the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments or vending machines, the injunction shall apply only to the establishment where the violation occurred and to the vending machines resulting in the violation. The injunction shall prohibit all sales of nicotine products from the vending machines or the establishment involved in the violation, regardless of any change in ownership or management of the vending machines or the establishment that is not a bona fide, arms length transaction while the injunction is in effect.

WYOMING STATUTE 14 ARTICLE 3 SALE OF TOBACCO



14-3-304. PURCHASE BY PERSON UNDER TWENTY-ONE YEARS OF AGE PROHIBITED.

- (a) No person under the age of twenty-one (21) years shall purchase or attempt to purchase nicotine products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase nicotine products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.
- (b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25.00).
 - (i) Repealed by Laws 2020, ch. 83, § 2.
 - (ii) Repealed by Laws 2020, ch. 83, § 2.
 - (iii) Repealed by Laws 2020, ch. 83, § 2.
- (c) In lieu of the fine under subsection (b) of this section, the court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.
- (d) No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (b) of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.