

Toolkit

for Responsible Tobacco and
Electronic Smoking Device

Retailers



Dear Retailer,

The sale of tobacco and electronic smoking devices (ESD) is regulated by both the Province of PEI, under the Tobacco and Electronic Smoking Device Sales and Access Act (TESDSAA), and Health Canada's Tobacco and Vaping Products Act. The purpose of these pieces of legislation is to protect the health of young people by restricting access to tobacco and vaping products as well to protect the health of all Canadians from tobacco and ESD related illness. Within this toolkit, you will find information about your responsibility as a retailer of Tobacco and/or ESD, about how to protect youth, and, of course, about how to protect yourself and your license to sell these products.

With this information, you should:

- 1. Develop policies surrounding the sale of tobacco and/or electronic smoking device in your store and the procedures necessary to ensure you and your employees stay within the law;***
- 2. Train all staff members immediately upon hiring them. Whether they are new to retail outlets or not, training them yourself will give you peace of mind knowing that they are well versed about the sale of tobacco and/or ESD.***
- 3. Monitor your employees as an on-going routine in your store to be certain they are following the law as well as your policies and procedures.***

This toolkit provides you with a detailed overview of the laws that protect those under 21 from access to tobacco and ESD. You are legally bound to see that everyone who works in your establishment fully complies.

For further information or for answers to your questions, please feel free to contact your Provincial Tobacco Enforcement Officer at (902)368-4970 or toll-free at 1-800-368-4970.

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SECTION 1: Overview

As an owner/operator of a retail establishment that sells tobacco and/or electronic smoking device (ESD) products, one of your responsibilities is to stay current with changes to the legislation surrounding these products in Prince Edward Island.

The “Toolkit for Responsible Tobacco and Electronic Smoking Device Retailers” provides you with important information to create your own store policies and procedures around the sale of tobacco and ESD. These policies and procedures will help prevent youth in your community from accessing tobacco and ESD, and will assist you and your staff in understanding other requirements of the Tobacco and Electronic Smoking Device Sales and Access Act.

1.1 How to use this Document

Section 1 of this document outlines requirements from the Tobacco and Electronic Smoking Device Sales and Access Act (TESDSAA). Use this section to educate yourself and your management team before developing or improving your stores policies, procedures and ongoing monitoring. This section should also be used to educate your staff before requiring them to complete the “Employee Training and Tools” section of this document.

Section 2 provides information on how to develop store policies and procedures. Use this section to assist you in developing policies and procedures that will help you operate within the confines of the legislation and to prevent sales of tobacco and/or ESD to people under 21 years of age.

Section 3 contains documents to assess knowledge and record, through a training certificate, that everyone has received training prior to being given the responsibility of selling tobacco or ESD.

Section 4 provides management with tools to monitor their employee’s action and compliance with store policies and provincial legislation.

Using the information and tools in this toolkit will educate and empower you and your employees. The ultimate goal is selling tobacco and/or ESD in a responsible manner, and preventing sales of these products to people under 21 years of age.

1.2 Retail Sales Highlights of Tobacco and Electronic Smoking Device Legislation on PEI

The purpose of tobacco and ESD legislation is to protect the health of young people by restricting access to tobacco and ESD as well to protect the health of all Canadians from the addictive nature and health impacts from tobacco and ESD. In order to accurately apply the legislation and your policies and procedures, you and your staff must first have a clear understanding of how tobacco and ESD are defined:

“tobacco” means tobacco in any form, and includes any tobacco related product;

“tobacco related products” means any product that may be used in the consumption of tobacco, and includes a cigarette paper, a cigarette tube, a cigarette filter, a cigarette maker, a cigarette holder, a pipe, a waterpipe, a pipe cleaner and a cigar clip;

“electronic smoking device” means an electronic or battery-operated device used or intended to be used to deliver vapourized solutions by inhalation from the device in a manner that resembles smoking tobacco, such as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic waterpipe, and includes a cartridge, solution or replaceable component used or intended to be used in such a device;

“tobacconist shop” means a place or premises in which the primary business conducted is the retail sale of

- (a) tobacco;
- (b) electronic smoking devices; or
- (c) a combination of (a) and (b).

Only customers who are 21 years of age or older are permitted to enter a tobacconist shop.

1.3 Sale of Tobacco or an Electronic Smoking Device to Persons under 21 Years of Age

In PEI, selling or supplying tobacco and ESD to a person under the age of 21 is illegal.

Purchasing tobacco or an ESD on behalf of, or for the purpose of resale to, a person under the age of 21 is also illegal.

Thinking someone looks older than they actually are is not a legitimate excuse to sell them tobacco or ESD.

In PEI, no one under the age of 21 years is permitted to enter a tobacconist shop. A variety of tobacconist shops exist, including those that sell only tobacco or ESD, and those that sell both tobacco and ESD.

1.4 Asking for ID before committing to a sale of tobacco/electronic smoking devices

With the legal age in PEI being 21 to purchase tobacco, electronic smoking devices or tobacco related products such as pipes, waterpipes, cigarette/rolling papers, it is important to be vigilant in checking for identification that verifies a purchaser is over the age of 21. It is a good habit as a seller of tobacco and electronic smoking device products to ask for and verify a customer’s age before committing to a sale and reaching for tobacco products. The fine in PEI for the sale or supply of tobacco to person under 21 starts at \$250 and your employer could lose the right to sell tobacco products for 7 days upon conviction. Showing an underage customer a tobacco product or electronic smoking device before verifying their identification can be deemed as an offer to sell. If you’re not sure a customer is over the age of 30, ask the customer for their identification. NO identification, NO SALE.

Things to check before committing to a tobacco or electronic smoking device sale.

Have the customer physically hand you their ID card – hold the identification in your hand and look at the ID card to determine if it’s an acceptable form of ID. Acceptable forms of ID include driver’s license, voluntary ID, passport, government issued certification of Canadian Citizenship, Canadian Permanent Residence document, Canadian Armed Forces identification card, Certificate of Indian Status or other documentation issued by a provincial or federal government. The ID card presented must contain their name, photo, date of birth and signature. If any of those are missing from the ID card or they do not present you with an ID card, politely decline the sale. You should physically hold the ID in your hand to inspect it. See the next page of this training program if you need help finding the information on each type of identification allowed.

Check the date of birth and inspect the ID for signs of tampering – all purchasers of tobacco/electronic smoking devices must be 21 years old to legally sell them the requested product. Double check the birth date on the ID to verify they are 21 years of age or older. Check to see if there are any signs of tampering of the ID. Is the card scratched around the date, does it appear the dates or other information on the ID have been altered? Are the corners peeled? Does the size of the ID card not seem right? If the customer is under the age of 21 or the ID card appears to be altered in any way, politely decline the sale.

Look at the person and look at their photo on the ID card. If they don't match, don't sell. Politely decline the sale. If masking mandates are in place, the Public Health Act allows you to ask a customer to lower their mask to prove their identity, following social distancing rules.

Double check the ID card for a signature and check the expiry date. An expired ID card is not an acceptable form of identification. If a signature is missing or appears to be altered in anyway or the identification card is expired, politely refuse the sale.

Once you have verified the customer's age through the above process, then it is okay to proceed with the transaction of the tobacco product/electronic smoking device.

*** Even if you ID'ed the customer yesterday, or the day before, or they are an everyday customer, ID should be presented before every sale. It is not a viable defense to claim "you thought the customer was someone else" or "I thought the person was over 21." Your only defense to a potential summary offense ticket for the sale of tobacco/electronic smoking device to a person under 21 is to ask for their ID and verify the customer's age for every tobacco or electronic smoking device sale.

How to Politely decline a tobacco sale for a customer not being of legal age/not presenting identification/presenting identification that doesn't meet the above criteria.

It is the responsibility of the clerk/retailer to verify the legal age of a person before selling tobacco or an electronic smoking device. If a customer is not of legal age, or does not have identification to verify their age, it is your responsibility to refuse the sale. Here are some tips and things to say to a customer when declining a sale to someone that you can not verify their age.

Talk to the customer politely and respectfully and let them know that you can not legally sell them a product without verifying their legal age. Explain to the customer that it is against the law for you to sell the product asked for without proving the customer is of legal age. On top of the legal requirements, all retailers should have a policy in place that tobacco/electronic smoking device products can't be sold to persons under the age of 21 and ID should be requested from anyone who looks under the age of 30. Tell them it's not personal, but part of your job to ask customers for ID before a tobacco or an electronic smoking device sale.

Talk to the customer politely, even if the customer is not polite back. Talk to the customer about the store's policy of not selling tobacco/electronic smoking device to Point to store signage on the cash register that outline the provincial rules for IDing customers. Tell the customer that refusing a sale is not your choice, it's the law.

Help diffuse the situation with an upset customer by letting them know that you can lose your job for selling a tobacco product/electronic smoking device without verifying their ID. Tell them that it's nothing personal against them and that the expectation to show ID is no different for tobacco and electronic smoking devices than it is for lottery tickets, alcohol or cannabis.

If the customer is still agitated or upset, direct them to speak with your manager about the law and the store's policies. Direct a customer to discuss the issue with your manager about verifying ID from a customer before the product is provided to the customer. You can also tell a customer they can contact the Environmental Health department to discuss the law around IDing customers before a tobacco/electronic smoking device purchase.

If a customer is being rude or belligerent to you or you feel threatened, ask them to leave the store and contact police. You have no obligation to sell a tobacco or an electronic smoking device to anyone if you can't verify they are of the legal age to purchase the product.

An employer should be rewarding their staff for refusing a tobacco or electronic smoking device sale when a customer doesn't show their ID. A retailer who scolds staff for turning down a tobacco sale is more likely to be caught selling tobacco to persons under 21 and will temporarily lose their right to sell tobacco on a conviction. ***If your employer pushes you to sell to customers under 21 or to customers without ID, please notify the provincial Tobacco Enforcement Officer of your concerns at 902-368-4286.***

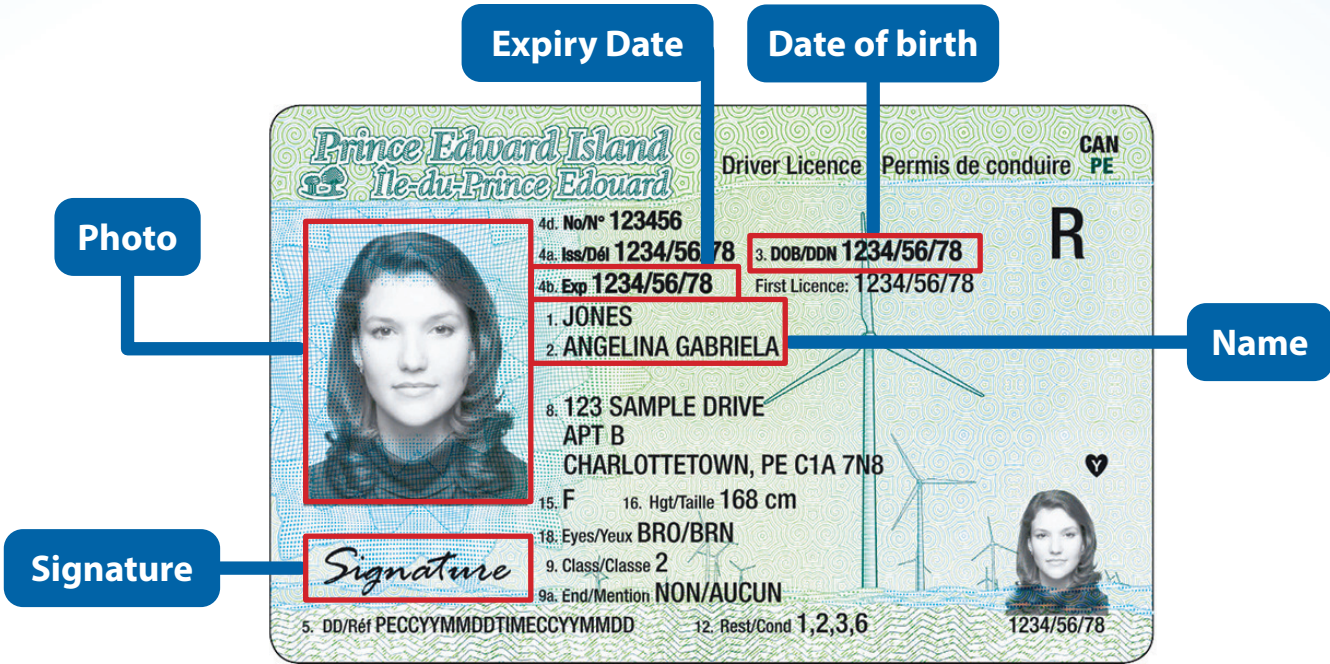
1.5 Problems with ID's

Calculating the age of a customer from a legal form of identification can be confusing. Practice determining the age of a person from their legal using various forms of ID.

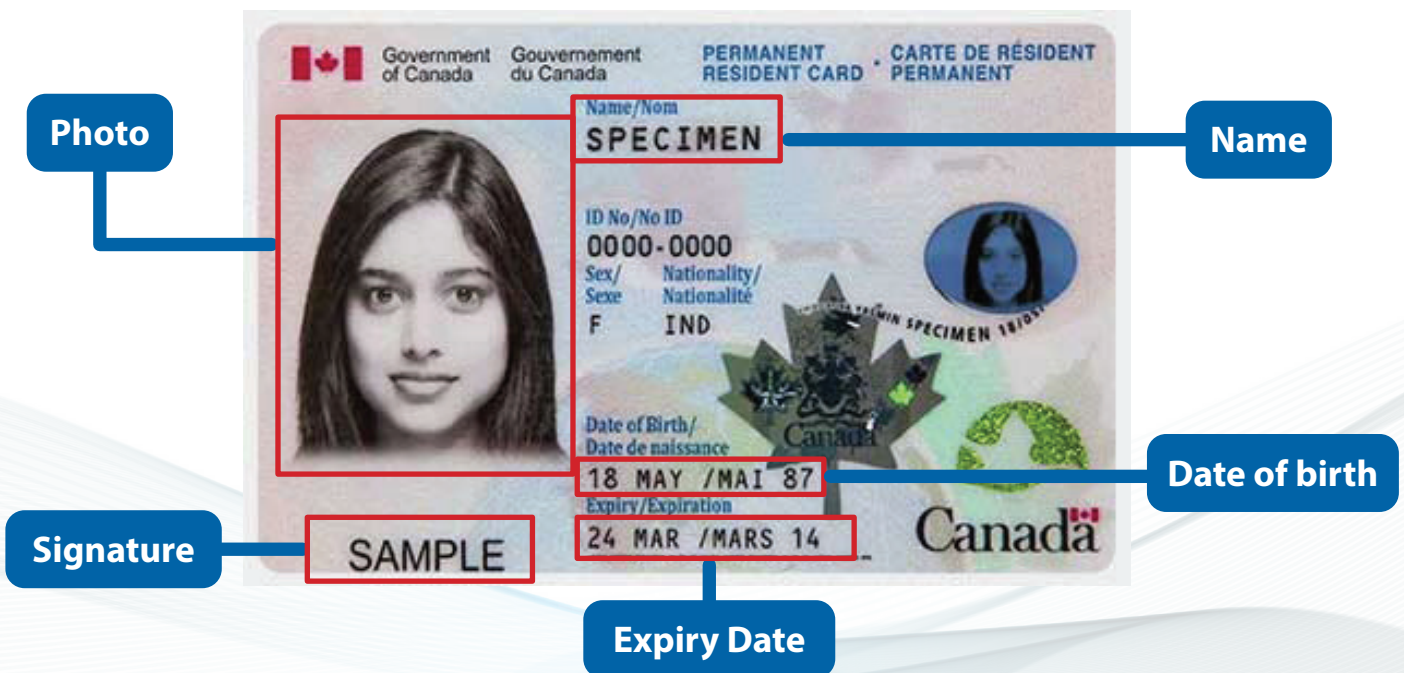
- Keep an eye out for altered identification. Younger customers may try to change their IDs to appear older.
- Here are some ways to spot altered IDs:
- Has the ID been changed in any way?
- Have the dates been altered in any way?
- Look closely at the typeface on the dates – is it the same as the rest of the card?
- Has the surface been scratched so you cannot read the dates?
- Have the corners been peeled back?
- Run your finger across the surface of the card – has it been scratched near the birth date?
- Check the picture – does the person in front of you look like the person in the picture?

1.6 Acceptable Forms of ID and where to find name/date of birth.

Driver's Licence



Permanent Resident Card



1.7 Flavoured Tobacco and Electronic Smoking Devices

The sale of flavoured tobacco and electronic smoking devices is prohibited in Prince Edward Island. No person shall sell or offer to sell tobacco or an electronic smoking device that contains a prescribed flavouring agent. A prescribed flavouring agent is an agent that produces an aroma or taste other than the aroma or taste of tobacco.

A prescribed flavouring agent under TESDSAA's regulations is defined as "an agent added to produce an aroma or taste other than tobacco, including the aroma or taste of candy, chocolate, fruit, a spice, an herb, an alcoholic beverage, vanilla or menthol is a prescribed flavouring agent."

1.8 Displays, Advertising, and Promotion of Tobacco and Electronic Smoking Devices

Tobacco and ESD cannot be displayed in a manner that allows a person to view or handle the products prior to purchase. The only exception to this rule is in a tobacconist shop where products can be displayed due to the requirement that a person must be 21 years of age to enter a tobacconist shop.

- The sale of tobacco and ESD from vending machines is prohibited in PEI.
- Advertising and promotion of tobacco and ESD is not permitted:
 - in a place that sells tobacco and ESD;
 - in a place where persons under the age of 21 years are permitted access;
 - in a vehicle or other place if the advertisement or promotion is visible from outside the vehicle or place;
 - on any sign located outdoors (e.g. billboard, bus stop, etc.).

1.9 Sale of Tobacco and Electronic Smoking Devices Prohibited in Designated Places

The sale of tobacco and ESD is prohibited in certain locations on PEI including:

- a pharmacy, or in any retail store where a pharmacy is located;
- a hospital, or that part of a building where health care services are provided;
- a recreational facility such as a bowling alley, fitness centre, or rink;
- a theatre, video arcade, or amusement park.

For a complete list of locations prohibited from selling tobacco and ESD, please refer to the TESDSAA or contact the Department of Health and Wellness.

PLEASE NOTE: Other retailers in the province will not be permitted to sell ESD and can only sell tobacco and tobacco related products.

1.10 Tobacco Control Signage Requirements

Retailers must post provincial tobacco control signage wherever tobacco or ESD are sold or displayed. The form, content, and placement of these signs is specified in the TESDSAA and regulations. Signs must remain visible at all times and cannot be hidden from view by other materials or products. Other forms of signage offered by product manufacturers and industry associations can be used if not in violation of the TESDSAA, however it cannot replace the mandatory provincial signage.



SCHEDULE A SIGN - The owner or person in charge of a tobacconist shop shall display this sign at the front entry to the tobacconist shop.



SCHEDULE B SIGN - The owner or person in charge of a place or premises where tobacco or ESD is sold or offered for sale at retail, other than a tobacconist shop, shall display the schedule B sign on every cash register in the place or premises, within clear view of the purchaser.



SCHEDULE C SIGN - The owner or person in charge of a tobacconist shop shall display the schedule C sign on every cash register in the place or premises, within clear view of the clerk.



SCHEDULE C.1 SIGN - The owner or person in charge of a place or premises where tobacco and tobacco products are sold or offered for sale, other than a tobacconist shop, shall display the schedule C.1 sign on every cash register in the place or premises, within clear view of the clerk.

1.11 Retailer Penalties in Prince Edward Island

Every person, including an owner or an employee, who contravenes a section of the Act or the Regulations is guilty of an offence and liable to the following penalties:

| Number of offences | Fine amount | Other penalties |
|------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| First offence | to a fine of not less than \$250 and not more than \$2,000. | Retail vendor's license may be suspended or cancelled according to Section 8 of the PEI Tobacco Tax Act |
| Second or subsequent offence | to a fine of not less than \$500 and not more than \$5,000. | Retail vendor's license may be suspended or cancelled according to Section 8 of the PEI Tobacco Tax Act |

1.12 Questions Asked by Retailers



Do I need a license to sell tobacco products?



Yes, a license issued under the *Tobacco Tax Act* by the Department of Finance is required to sell tobacco products in PEI. During the license application process, a Tobacco Enforcement Officer from the Department of Health and Wellness will conduct an inspection at your facility and notify the Department of Finance that you are in compliance. A license may then be issued.

What are the fines and penalties?

Fines can vary from a minimum \$250 to a maximum of \$5000 and your license to sell tobacco may be suspended or revoked

I know there are Federal and Provincial laws about the selling of tobacco and ESD products. Which laws do I follow?

You must follow both laws. Federal legislation sets a standard for tobacco control across the country and provinces can make additional legislation applicable in that province only. Generally, by following the stricter standard, you should be in compliance with both laws.

Do I need to ask for proof of age before selling tobacco and ESD products?

Yes. You must ask for proof of age if the customer appears to be less than 30 years old. Only government-issued photo identification is acceptable. Student cards are not acceptable forms of identification.

Can I sell tobacco or an ESD product to someone under 21 years of age if they give me a note from a parent?

No. It is against the law to sell to anyone under 21 years of age no matter what the reason. A note, telephone call, verbal consent from a parent, guardian or friend is not acceptable. You can be charged and convicted even if the parent agrees to the sale. No one can give you permission to break the law.

Am I allowed to purchase a tobacco or ESD product on behalf of a person under 21 years of age?

No. Purchasing tobacco or an ESD product on behalf of, or for the purpose of selling to, a person under 21 years of age is against the law. If you suspect this is happening in your store, you should refuse the sale and report the violation to the Police or a Tobacco Enforcement Officer and provide any available evidence, such as your store's video surveillance.

Why should I go to all this trouble when it just upsets my customers?

Keeping tobacco and ESD out of the hands of youth is a shared responsibility. Smoking tobacco and using ESD can lead to a lifelong nicotine addiction and seriously impact a person's health. Electronic smoking device use has been increasing (especially in youth) and also may potentially have dangerous health effects. Most people start smoking by age 16. Most people who smoke, start smoking by age 16.

Can I employ someone under 21 years of age to work in store?

Yes. In PEI there is no provision in the TESDSAA that prevents you from hiring someone under 21 years of age, unless you operate a tobacconist shop. The TESDSAA states that only persons over the age of 21 can enter a tobacconist shop, therefore, employees must be 21 years of age or older in these type of specialty stores and vape shops.

What signs do I have to post?

In Prince Edward Island we have mandatory provincial signage that must be used for any retailer that is selling tobacco or ESD. See Section 1.10 "Tobacco Control Signage Requirements", for more information. Alternative signage is not an acceptable replacement for provincial legislation signage.

What if I choose not to display these signs?

Failure to display signage required by the legislation can result in unsatisfactory inspections, fines, and potentially suspension or loss of your license. If a sign becomes damaged or is removed for some reason, you must contact a Tobacco Enforcement Officer, who will provide you with replacement signage.

What about We Expect ID signs?

We Expect ID is an industry initiative which consists of signage and a training program. We Expect ID signage cannot replace the signage requirements in the TESDSAA and regulations.

Can I advertise or promote tobacco or ESD in my store?

No. Advertising and promotion is not permitted in any location that sells tobacco and/or ESD, or in any location that allows a person under 21 years of age to enter. For additional information see Section 1.8.

Does a Tobacco Enforcement Officer have to show me a warrant before they enter my store?

No. A Tobacco Enforcement Officer will have identification confirming their position, but they do not need a warrant to enter and inspect your premises. Obstructing a Tobacco Enforcement Officer in the course of their duty is a violation of the TESDSA.

1.13 Protecting Yourself and Your Community's Youth

It is the responsibility of retailers and their employees to take all reasonable steps to prevent the sale of tobacco and ESD to anyone under the age of 21. Developing clear and concise store policies and procedures, and having properly trained employees, is the most effective way to ensure you remain in compliance with the applicable legislation.

1.14 Contact Information

Contact your local Tobacco Enforcement Officer if you have any questions related to the provincial legislation or to discuss how to effectively employ policies, procedures, monitoring, and training in your retail outlet.

PEI Department of Health and Wellness

Environmental Health

PO Box 2000 Charlottetown, PE C1A 7N8

Phone: (902)368-4970 Fax: 902-368-6468

Email: envhealth@ihis.org

Toll Free Tobacco Line: 1-800-958-6400

Website:

www.princeedwardisland.ca/en/information/health-and-wellness/selling-tobacco-and-electronic-smoking-devices



**Thinking of quitting smoking?
Help is available.**

The PEI Smoking Cessation program is here to help you by covering the costs of nicotine replacement therapy products or medications.

Quitting is worth it. You're worth it.

Visit www.princeedwardisland.ca/quitsmoking
or call the Smoker's Helpline 1-877-513-5333

Paid for by the Government of Prince Edward Island

smokers' helpline



SECTION 2: DEVELOP POLICIES AND PROCEDURES

2.1 Introduction

Developing policies and procedures on how your establishment will handle the sale of tobacco or ESD, training your staff to follow them, and monitoring your employees, are important steps in preventing the sale of tobacco and ESD to young people.

The following sections provide retailers with guidelines:

- For developing clear policies and procedures to prevent the sale of tobacco and ESD to young people.
- For providing training to all employees who sell tobacco or ESD.
- For regularly monitoring employee compliance with store policies and procedures.
- And finally, it offers additional steps to take to ensure no one in your place of business sells tobacco or ESD to young people.

2.2 Policies and Procedures – 10 Easy Steps

Here are 10 easy steps to help you create policies and procedures for your business to prevent tobacco or ESD sales to young people :



1. Create a policy stating that you and all employees must ask for valid identification from any customer requesting tobacco or ESD who looks 30 or younger.
2. Provide training to all staff about Provincial tobacco and ESD legislation in Prince Edward Island and your store policies and procedures for tobacco or ESD sales. This is very important. Do not allow employees to sell tobacco or ESD until they are trained fully by experienced staff. Review the training section of this toolkit for useful training tools and resources.
3. Review the laws regarding tobacco or ESD sales with your employees to make sure they understand them; and, be very specific about the consequences for staff who do not follow store policy and the laws.
4. Expect your employees to understand your store policies and the applicable laws. Give them information from this toolkit to study and, after a set amount of time, give your staff members a short quiz to test their understanding. Test as often as necessary to ensure they fully understand the information. A sample Tobacco, Electronic Sales Exam is included in this toolkit for this purpose or you may prefer to create your own. Again, this should be done before they are cleared to sell tobacco or ESD.

It is wise to offer your long-time employees refresher training. There may be changes to the laws since they were hired.

5. Use the sample Training Certificate included once employees have completed your training program. Keep a copy of this certificate in the employee's personnel file. You may need to refer to it at a later time.
6. Your employees will understand the importance of the matter better if you have them sign an agreement stating that they are aware of and understand your store policies and Provincial tobacco and ESD legislation. To keep the subject fresh, you might choose to review the signed agreement with each of your staff members quarterly. There is a sample Employee Agreement included in the Retailer Toolkit for your use.
7. Reinforce staff awareness of the tobacco and ESD legislation and store policies on a regular basis by holding staff meetings, and during your one on one staff reviews.
8. As with any infraction, it is a good management practice to keep records of any action taken if an employee does not follow store policy. An employee who does not follow the laws about tobacco and ESD sales, is a more serious matter and will reflect unfavorably on you as the owner/operator. Monitoring Forms are an important part of this toolkit.
9. Send out reminders to staff and hand out bulletins from government about tobacco and ESD legislation to help keep your employees informed. If your store has been warned about selling a tobacco or ESD product to someone under 21, make sure all employees see the warning. Employees should initial the warning and any other information distributed to show they have understood it. Keep these initialed government bulletins and other tobacco-related documents in a safe place.
10. Give young employees extra training and supervision to make sure they follow the legislation and store policies. Employees who are students may be pressured by their peers to sell them tobacco and ESD illegally. Address the possibility of these situations occurring and review the suggestions for ways to say, "No".

SECTION 3: EMPLOYEE TRAINING AND TOOLS

3.1 Preparing Your Staff



With each new product or service your retail establishment offers, you must train your staff. Also, as you hire new employees, considerable time is set aside to teach them all the various policies and procedures. Training staff on the best and most efficient methods of retail is a time consuming duty of owner/operators, but is an important part of preventing tobacco and ESD sales to youth and is worth the investment in the long term.

For tobacco and ESD retailers, training for all staff members who sell is a serious responsibility.

Here are some tips for developing your training program:

1. Become informed about the laws pertaining to retailing tobacco and ESD. It is easiest to train others after you've been trained and have a solid understanding of the requirements.
2. Provide your staff with the education they need to fully understand the requirements under the tobacco and ESD legislation, including definitions, legal age, and the applicable penalties.
3. Review the types of ID that are considered valid identification and accepted under the tobacco and ESD regulations:
4. Your staff members will look to you for guidance. Help them carry out their duties by:
 - Showing them how to spot false IDs;
 - Posting any available information that will help employees to determine a customer's age from their ID;
 - Reviewing ways for them to say no to anyone who does not produce valid ID while remaining polite to your valued customers;
 - Offering them tips on how to deal with troublesome customers, and;
 - Having emergency policies and procedures in place if an employee feels threatened by an agitated person looking to purchase tobacco or an ESD illegally.
5. Make training, up-dates, reviews, agreements, and instructions about store policies and procedures for tobacco or ESD sales (and the penalties for not following them) part of your business routine.
6. Quiz your staff at regular intervals or when some change in the law is announced. This will confirm your employees' knowledge and understanding of federal and provincial tobacco and ESD legislation and store policies. It will give both you and your staff peace of mind.
7. Keep records of all one-on-one reviews with staff, including the date and details of the review. These reviews are important to ensure staff understand the laws and store policies about tobacco sales and to make sure there are no misunderstandings.

Section 3.2 Tobacco Quiz – Replace Old Questions with New Questions

You can use the same style for the quiz as the previous kit. Can it be formatted to fit on one page.

***The questions can be in any order to fit the format to keep on one page, just need to make sure the answer key is adjusted

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| <p>1) How old does a customer need to be to legally purchase tobacco or electronic smoking device products?</p> <p>A) 19 years or older</p> <p>B) 21 years or older</p> <p>C) Any age as long as they are with a person who is 21 years or older. Doesn't matter, a sale is a sale for the business.</p> | <p>4) When can you sell tobacco to other clerks who work with you at your store?</p> <p>A) When your manager allows you to make a sale</p> <p>B) When they are 21 years or older</p> <p>C) When they are on duty – regardless of age</p> <p>D) When they are off duty</p> |
| <p>2) A customer comes into the store and asks to purchase tobacco or an electronic smoking device, what is correct sequence of actions to take before you complete a transaction?</p> <p>A) Ask how old they are and if they say over 21 sell them the product</p> <p>B) Look outside to make sure the Tobacco Enforcement Officer isn't in the parking lot before completing the sale without asking for ID</p> <p>C) Ask the customer for ID, physically hold the ID and check the date of birth, match the photo to the customer and sell the product once you confirmed they are of legal age</p> <p>D) Ask the customer for ID and if they don't have one, ask your manager if it's okay to complete the sale</p> | <p>5) A person who looks around 22 or 23 years old asks to buy tobacco but they don't look anything like their ID photo. The customer says it's because they changed their hair style and colour. What should you do?</p> <p>A) Believe them and sell them the product</p> <p>B) Ask to see their most recent Facebook photo to confirm it's them</p> <p>C) Ask the customer to find someone else to purchase for them</p> <p>D) Refuse the sale until they produce another form of legal ID</p> |
| <p>3) Which of the following is not an acceptable form of ID to purchase tobacco/electronic smoking device?</p> <p>A) University or High School ID card</p> <p>B) Government Issued Passport</p> <p>C) Federal or provincial ID card that has their name, date of birth, photo and signature on the card</p> <p>D) Canadian Permanent Residence document</p> | <p>6) When can you sell single cigarettes to a customer?</p> <p>A) When its out of your own pack</p> <p>B) When the customer is of legal age</p> <p>C) Never, it is illegal</p> <p>D) When store policy allows it</p> |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>7) What is the recommended age that you are required to check the ID for anyone who looks younger than what age?</p> <p>A) 19 years or older B) 21 years or older C) 25 D) 30</p> | <p>10) Which of the following items are tobacco or electronic smoking device products and can only be sold to customers over the age of 21? (circle all that apply)</p> <p>A) Rolling papers B) Vape juice C) A glass pipe D) Lighter E) Cigarette holder F) Vape pen without e-solution</p> |
| <p>8) A customer who appears to be under the legal age asks to purchase a pack of cigarettes. You ask the customer for ID and the customer says they don't have it with them. A more senior staff member says to you it's okay to sell them the cigarettes because they know them. Are you allowed to complete the sale?</p> <p>A) Yes B) No</p> | <p>11) What is the legal age to purchase an electronic smoking device product that contains no tobacco or nicotine?</p> <p>A) 19 B) Any age since there is no nicotine or tobacco C) 21 D) 18</p> |
| <p>9) A 12 year-old boy comes into the store and wants to buy his dad some cigars for his birthday. What do you do?</p> <p>A) Refuse the sale B) Ask the boy to get a note from an adult for permission C) Complete the sale since the product isn't for the boy D) Call your manager to see if it's okay to make the sale</p> | <p>12) I can face a wide range of penalties for selling tobacco or an electronic smoking device to someone under 21, including a suspension or termination from my employer, receiving a warning letter or a summary offense ticket from the government?</p> <p>A) True B) False</p> |

Date Completed: _____

Employee Signature: _____

Section 3.3 Employee Training and Tools - Answer Key

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1) How old does a customer need to be to legally purchase tobacco or electronic smoking device products?</p> <p>A) 19 years or older</p> <p>B) 21 years or older</p> <p>C) Any age as long as they are with a person who is 21 years or older. Doesn't matter, a sale is a sale for the business.</p> | <p>4) When can you sell tobacco to other clerks who work with you at your store?</p> <p>A) When your manager allows you to make a sale</p> <p>B) When they are 21 years or older</p> <p>C) When they are on duty – regardless of age</p> <p>D) When they are off duty</p> |
| <p>2) A customer comes into the store and asks to purchase tobacco or an electronic smoking device, what is correct sequence of actions to take before you complete a transaction?</p> <p>A) Ask how old they are and if they say over 21 sell them the product</p> <p>B) Look outside to make sure the Tobacco Enforcement Officer isn't in the parking lot before completing the sale without asking for ID</p> <p>C) Ask the customer for ID, physically hold the ID and check the date of birth, match the photo to the customer and sell the product once you confirmed they are of legal age</p> <p>D) Ask the customer for ID and if they don't have one, ask your manager if it's okay to complete the sale</p> | <p>5) A person who looks around 22 or 23 years old asks to buy tobacco but they don't look anything like their ID photo. The customer says it's because they changed their hair style and colour. What should you do?</p> <p>A) Believe them and sell them the product</p> <p>B) Ask to see their most recent Facebook photo to confirm it's them</p> <p>C) Ask the customer to find someone else to purchase for them</p> <p>D) Refuse the sale until they produce another form of legal ID</p> |
| <p>3) Which of the following is not an acceptable form of ID to purchase tobacco/electronic smoking device?</p> <p>A) University or High School ID card</p> <p>B) Government Issued Passport</p> <p>C) Federal or provincial ID card that has their name, date of birth, photo and signature on the card</p> <p>D) Canadian Permanent Residence document</p> | <p>6) When can you sell single cigarettes to a customer?</p> <p>A) When its out of your own pack</p> <p>B) When the customer is of legal age</p> <p>C) Never, it is illegal</p> <p>D) When store policy allows it</p> |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>7) What is the recommended age that you are required to check the ID for anyone who looks younger than what age?</p> <p>A) 19 years or older B) 21 years or older C) 25 D) 30</p> | <p>10) Which of the following items are tobacco or electronic smoking device products and can only be sold to customers over the age of 21? (circle all that apply)</p> <p>A) Rolling papers B) Vape juice C) A glass pipe D) Lighter E) Cigarette holder F) Vape pen without e-solution</p> |
| <p>8) A customer who appears to be under the legal age asks to purchase a pack of cigarettes. You ask the customer for ID and the customer says they don't have it with them. A more senior staff member says to you it's okay to sell them the cigarettes because they know them. Are you allowed to complete the sale?</p> <p>A) Yes B) No</p> | <p>11) What is the legal age to purchase an electronic smoking device product that contains no tobacco or nicotine?</p> <p>A) 19 B) Any age since there is no nicotine or tobacco C) 21 D) 18</p> |
| <p>9) A 12 year-old boy comes into the store and wants to buy his dad some cigars for his birthday. What do you do?</p> <p>A) Refuse the sale B) Ask the boy to get a note from an adult for permission C) Complete the sale since the product isn't for the boy D) Call your manager to see if it's okay to make the sale</p> | <p>12) I can face a wide range of penalties for selling tobacco or an electronic smoking device to someone under 21, including a suspension or termination from my employer, receiving a warning letter or a summary offense ticket from the government?</p> <p>A) True B) False</p> |

3.4 Employee Agreement

Please initial in the box beside each paragraph to show that you fully understand the requirements of the Provincial tobacco legislation and store policy.

- A tobacco product includes:** cigarettes, cigars, chewing tobacco, snuff, bidis, pipe tobacco, loose tobacco, kreteks, tobacco sticks.
- An electronic smoking device includes:** electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic waterpipe, e-liquid, ESD cartridge, or additive solutions.
- It is illegal to sell or provide (furnish) tobacco and electronic smoking device products to anyone under 21 years of age.**
- I understand and will follow store policy to request I.D. from anyone appearing 30 years of age or under.**
- I understand that I will ask a customer for ID and check the identification to make sure they are over the legal age of 21 before reaching for the product they are asking to purchase.**
- I understand that if a customer does not provide proper identification for me to verify they are of the legal age, I am to refuse the sale of the tobacco or electronic smoking device product.**
- I understand that the only acceptable I.D. is government photo I.D. as defined in the federal and provincial tobacco and ESD legislation.**

I, _____, have read and understand the requirements of Prince Edward Island tobacco and electronic smoking device legislation and store policy regarding sales of said products.

Employee Signature: _____

Date: _____

Employer/Trainer Signature: _____

Date: _____

Note: Please keep a copy of this form for your employee personnel files

3.5 Training Certificate

This is to certify that I, _____
(Name of Employer)

of _____
(Name of Retail Outlet)

has provided tobacco and electronic smoking device sales training to

(Name of Employee)

This employee has demonstrated knowledge of laws and policies to prevent the sale of tobacco and electronic smoking device products to people under 21 years of age.

Employee Signature: _____ Date: _____

Trainer Signature: _____ Date: _____

Employer/Manager Signature: _____ Date: _____

Note: Please keep a copy of this form for your employee personnel files.

Certificate template to be printed

SECTION 4: ON-GOING MONITORING AND TOOLS

4.1 Monitoring Your Staff Members

It is in your own best interest as a tobacco and electronic smoking device retailer to monitor your employees' actions. The laws are very specific and you may be held liable for actions of your employees. By monitoring them, you can identify staff members who are not following store policies or the laws, and provide them with additional training.

The following statements identify a number of monitoring practices that other owner/operators have found effective.

1. Supervise employees and record staff performance on an on-going basis. Specifically until you are confident new staff are following your policies and procedures.
2. Use the Tobacco Reminder Log Sheet provided in this Toolkit as a reminder to staff of the rules and regulations around the sale of tobacco and electronic smoking devices. Have your employees review, date and sign the log sheet to document that they acknowledge that they know the rules around checking for ID and legal age of sale.
3. Review store videos to watch staff as they sell products to ensure they are checking for ID, especially at times frequented by young customers. Keep a record of these activities on the Staff Tobacco Training Review. The Staff Tobacco Training Review form can also be used to document staff meetings for topics discussed around tobacco/ESD sale and track attendance of your employees who attended. Good record keeping by your business is essential in your defense for any violations of the Tobacco and Electronic Smoking Device Sales and Access Act. Keep copies of these records at your business with your other tobacco training materials.
4. Complete the Retailer Tobacco and ESD Sales Checklist on a quarterly basis to confirm that steps have been taken in the areas of training, daily operations and monitoring. If you are ever warned about a tobacco or ESD sale to a minor from your premises, then you can refer to the Checklist and prove

Staff Tobacco Training Review Log Sheet

On the dates below, our retail business has reviewed tobacco and electronic smoking device training materials with our staff and reminded staff about checking customer ID's, the legal age of 21 to sell products, policy of ID'ing customers under the age of 30. All employees who attended training review should sign this record.

| Date of Meeting or Training Activity | Activity Manager Who Conducted Training Activity Review and Topics Discussed | Staff in Attendance |
|---------------------------------------------|-------------------------------------------------------------------------------------|----------------------------|
| | | |
| | | |
| | | |

4.3 Due Diligence

Owners or operators are responsible for the actions of their employees. They may be charged if an employee sells or provides a tobacco or ESD product to someone who is under 21 years of age.

It is important to record your policies and procedures, your signed staff agreements, tests, as well as signed government announcements and other notices.

“Due diligence” means doing everything reasonably possible to try to prevent an offence from occurring.

The final decision about an owner or operator’s due diligence will be made in a court of law

4.4 Monitoring Tools

How do YOU check your employees to be sure they do not sell tobacco or ESD to anyone under 21 years of age? Keep track of your monitoring efforts using the forms in sections 4.2, 4.5, and 4.6 or design a form that better suits your purposes.

Recording any corrective action taken helps to prove you are diligent.

Use the form on this next page if you, as a employer, incorporate compliance checks as a monitoring tool to prevent sales to minors.



4.5 Compliance Check with Test Shopper Report

Date: _____ Time: _____

Store and Address: _____

Employee (If no name tag is visible, provide a description): _____

Did the clerk ask for age? Yes No

Did the clerk ask for valid photo ID? Yes No

Was the ID examined properly? Yes No

Did the clerk sell a tobacco or electronic smoking device product to the shopper? Yes No

Were the Provincial sign(s) posted and not hidden? Yes No

Other Comments or Observations: _____

Test Shopper Name: _____ Age: _____

Signature: _____

Owner/Manager Signature: _____

4.6 Retailer tobacco and ESD Sales Checklist

Use this checklist to ensure you, as the retailer, have taken the proper steps to educate and inform your employees as well as preventing anyone underage from obtaining tobacco or ESD.

| Retailer Checklist | Yes/No |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Training | |
| Have all employees been trained fully about their responsibilities under the provincial tobacco and electronic smoking device legislation and store policies? | |
| Did employee training include all of the following? that Tobacco or electronic smoking device products cannot be sold to anyone under the age of 21; the definitions of tobacco products; your province’s legislation about not selling single cigarettes; forms of acceptable ID; asking for and examining ID from anyone who appears 30 years or under; the penalties for selling to minors (under 21 years of age); how to refuse selling tobacco, tobacco products, and electronic smoking devices; and the store policies and procedures. (If training has not included all of these, it is not complete.) | |
| Policies and Procedures | |
| Have you developed a policy that employees are not allowed to sell tobacco or electronic smoking devices until they are fully trained? | |
| Does store policy require staff to ask for ID from customers who appear 30 years of age or under? | |
| Have penalties been established for employees who do not follow store policies or the laws? | |
| Have these penalties been explained to the employees? | |
| Has a written or oral exam been given to all employees to ensure they understand the P.E.I tobacco and electronic smoking device legislation as well as your store policies? | |
| Have employees signed a recent agreement to show they understand store policies and provincial tobacco and electronic smoking device legislation? | |
| Are Provincial tobacco and electronic smoking device legislation and your store policies reviewed with staff at regular intervals such as at staff meetings and in one on one employee reviews? | |
| Have you developed a policy on discipline for employees who sell to minors or fail to ask for photo identification from customers who appear 30 years of age or under? | |
| Are the required provincial signs posted in the manner and form as described in the provincial tobacco and electronic smoking device legislation? | |
| Are all tobacco products and electronic smoking devices kept in one area of the store away from reach by customers? | |
| Monitoring Employees | |
| Are spot checks performed by the store to test how sales of tobacco or electronic smoking device products are carried out? | |
| Are store videos reviewed regularly and a record kept of the results? | |
| Are employees supervised on a regular basis? | |
| Have these steps been taken? | |
| Have these steps been recorded? | |

Signature: _____ Date: _____

4.7 Additional Steps

There are many additional steps that can be taken within your place of business to make sure no one sells a tobacco or ESD product to someone who is under 21 years of age.

1. Here are a few suggestions.
2. Install a special cash register key to remind clerks to ask for identification, confirming proof of age of the customer before a tobacco sale.
3. Show samples of acceptable identification at the checkout to compare with the customer's identification.
4. Ask employees to sign daily or weekly shift reports to show they understand their duties under Provincial tobacco and ESD legislation and store policies.
5. Hand out tobacco and ESD sales information and reminders with employees' pay cheques, every few months.

Additional Information

If you require any additional information or support from your Tobacco Enforcement Officer, please contact:

PEI Department of Health and Wellness

Environmental Health

PO Box 2000 Charlottetown, PE C1A 7N8

Phone: (902)368-4970 Fax: 902-368-6468

Email: envhealth@ihis.org

Toll Free Tobacco Line: 1-800-958-6400

Website:

www.princeedwardisland.ca/en/information/health-and-wellness/selling-tobacco-and-electronic-smoking-devices



