

Funded by the Alaska Department of Health & Social Services, Tobacco Prevention & Control Program in cooperation with the Alaska Tobacco Control Alliance (ATCA).

The material contained in this brochure is for informational purposes only and may or may not reflect the most current legal requirements. THIS IS NOT LEGAL ADVICE. The reader is advised that the laws frequently change and it is your responsibility to keep current with those legal requirements that affect the operation of your business or your personal conduct. While the included information and suggestions are based upon best practices, compliance with all laws – including those regarding the sale of tobacco – is ultimately the sole responsibility of the individual business.

**Disclaimer**

**For additional information or assistance,  
call the Tobacco Prevention and Control Program,  
(907) 465-3140**

- It is the responsibility of each business license tobacco endorsement licensee to be familiar with the laws concerning legal and illegal sales of tobacco.
- In Alaska, no one under 19 years of age may purchase or possess tobacco products.
- No one under 19, under any circumstances!
- Any business owner who is convicted, or has an agent, or employee convicted, of selling tobacco to minors, is also subject to suspension of his or her tobacco endorsement and will be assessed an additional civil fine.

**Remember**



**Alaska's Tobacco Control Laws  
That Affect Your Retail Business**

**Dear Business Owner,**

As a licensed seller of tobacco, you have a legal responsibility to prevent youth access to tobacco products. This brochure is designed to be a part of your comprehensive business strategy to meet that obligation. It provides you with necessary information and practical guidelines that may help you avoid situations that can lead to serious legal consequences. Please keep it handy and refer to it anytime you have a question.

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## **Summary of Alaska Tobacco Sales Laws**

- Sale of any form of tobacco to persons under the age of 19 is against the law and will result in fines and suspensions.
- Stores must post a sign where customers can easily see it. The sign must read "The sale of tobacco products to persons under the age of 19 is illegal." Copies of the required sign may be obtained from the State.
- A business holding a tobacco endorsement faces a \$2,500 civil penalty and one year suspension if the owner, agent, or employee has been convicted three times or more within the preceding 24 months of selling tobacco to a minor, failing to control access to tobacco products, or failing to supervise a vending machine.
- A person operating a business without a current business license and tobacco endorsement is subject to a civil penalty of not more than \$250 for each day of the violation. The penalty imposed may not exceed \$5000.
- A person holding a tobacco endorsement who fails to post the required "age of sale" sign is subject to a civil penalty of not more than \$250 for each day of the violation up to a maximum of \$5000.
- A person holding a tobacco endorsement, agent, or employee who sells loose or improperly packaged or labeled cigarettes faces a suspension of the tobacco endorsement for a period of up to 90 days.

### ***Who enforces the law?***

- Enforcement is conducted by the Tobacco Prevention and Control Program of the Department of Health and Social Services (DHSS) and local law enforcement agencies. Violations are reported to and enforced by the Alaska Attorney General's Office. The Department of Community and Economic Development (DCED) makes all determinations regarding business licenses, tobacco endorsements, civil fines and suspensions.

### ***How are violations discovered?***

- The DHSS investigators and local police officers conduct periodic investigations similar to a "secret shopper" program using underage buyers. When a sale is made, a tobacco enforcement investigator or local police officer issues a citation to the employee or business owner who made the sale.

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## **WHAT ARE THE PENALTIES?**

## What Are The Penalties?

Violators of the Alaska law against the sale of tobacco to anyone under age 19 (business owners, agents or employees) are subject to the following fines and penalties.

- Anyone who sells tobacco to a minor (a store owner, agent, or employee) may be convicted of a violation and fined \$300.
- A business owner, agent, or employee who fails to properly supervise sales from a vending machine may be convicted of a violation and fined \$300.
- Selling tobacco from a self-service display or otherwise permitting public access to your tobacco products may result in a fine of at least \$300 (except licensed liquor stores and bars).
- A business holding a tobacco endorsement also faces a \$300 civil penalty and 20-day suspension of its tobacco endorsement if the owner, an agent, or an employee of the owner is convicted of selling tobacco to a minor, failing to restrict access to tobacco products, or failing to supervise a vending machine.
- A business holding a tobacco endorsement faces a \$500 civil penalty and 45-day suspension if the owner, agent, or employee has been previously convicted within the preceding 24 months of selling tobacco to a minor, failing to control access to tobacco products, or failing to supervise a vending machine.
- A business holding a tobacco endorsement faces a \$1,000 civil penalty and a 90-day suspension of its tobacco endorsement if the owner, agent, or employee has been convicted twice within the preceding 24 months of selling tobacco to a minor, failing to control access to tobacco products, or failing to supervise a vending machine.
- Access to tobacco products must be controlled. No self-service tobacco displays are allowed except in adult-only facilities such as bars and liquor stores.
- Sale of loose or repackaged tobacco is strictly prohibited. Tobacco products must be sold in the original manufacturer's packaging.
- Cigarettes must be sold in quantities of 20 or more.
- A Business License and Tobacco Endorsement are required for the sale of cigarettes, cigars, tobacco or other products containing tobacco.
- A Business License and Tobacco Endorsement are required of a business where the public sale of tobacco products is made from a vending machine.

### Where can I learn more about the law?

- See [www.dced.state.ak.us/occ/pub/tobpenalties.pdf](http://www.dced.state.ak.us/occ/pub/tobpenalties.pdf)

## Retailer Responsibilities

As an owner or manager of a retail establishment selling tobacco, you are responsible for making certain that no one under the age of 19 purchases tobacco products in your store or business.

This is important not only because it is the law, but also because national and state surveys tell us that retail outlets remain the number one source of tobacco products for underage users. That means you play a major role in preventing illegal sales of tobacco.

### What should you do?

- Develop a business policy concerning the sale of tobacco to anyone under age 19 and establish how you and your employees will verify the age of tobacco purchasers.
- Train your employees in the skills they need to prevent sales to minors and remind them often.
- Follow proper display and promotion regulations for tobacco products.
- Post signs that remind customers of the law.
- Make sure employees understand your company policy on discipline for those who violate Alaska laws regarding the sale of tobacco.

Spend a little extra time with younger employees or those who might be intimidated by assertive or angry customers. Help them learn how to politely and confidently deal with the challenging customer.

- **Post required signs** – Make certain that the state required "age of sale" warning sign is placed in a conspicuous spot in the store and that employees know where it is posted. Use additional signs at cash registers that remind customers that your store requires identification and verifies age for tobacco purchases. Counter signs are available from the Tobacco Prevention and Control Program.
- **Control Tobacco products** – Make certain all tobacco products are in an area controlled by the clerk. Do not allow public access to the tobacco displays. This not only reduces theft but also increases the likelihood that underage customers will be asked for ID and politely refused the sale.
- **Be ready for inspections** – Inform your employees that enforcement investigators and local police frequently use underage buyers to check businesses to see if they are complying with the law. The inspections are randomly scheduled and are unannounced. The results are reported to the business owner and become public information.
- **Ask for assistance** – Any time you have a question regarding the law or how to improve compliance, call on the state Tobacco Prevention and Control Program, (907) 465-3140 for assistance.

## Tips On How To Comply With The Law

- **Develop a policy** – Prepare and distribute a written company policy informing store managers and employees that, in compliance with state law, your business will not sell tobacco products to anyone under the age of 19. Be sure to underscore the importance of verifying the age of those purchasing tobacco. DHSS recommends you check the age of anyone who appears to be under the age of 27.
- **Conduct employee training** – Include instruction on Alaska’s tobacco law in your new employee orientation training and have employees sign an agreement that they understand and will comply with state law. A sample form is in the Vendor Education Kit. Make sure your employees understand the disciplinary consequences of selling tobacco to anyone under 19. Apply your company’s discipline fairly and consistently.
- **Require I.D. checks** – Teach employees how to check for valid identification and how to calculate someone’s age from a varieties of different types such as Alaska Driver’s License, Alaska Identification Card, Military ID, U.S. Passport, or an Alien Registration card from the INS.

Instruct your workers to *always check the ID and compare the month, day and year of birth to today’s month, day and year* to ensure the customer is 19 or older.

- **Establish an environment that ensures compliance** – Teach employees how to politely handle customer complaints when they are asked to show ID or refused the sale. Assure your staff that no matter how many customers are in line, checking ID is vital. Reassure them that they will never be fired for refusing a sale when they are uncertain of the person’s age or the customer cannot produce a valid ID

Making these proactive steps part of your comprehensive business plan and putting that plan into action will reduce the likelihood of illegal sales to tobacco products. Moreover, you will reassure the public you are a responsible retailer and good business neighbor.

### ***What training help is available?***

The information contained in the Tobacco Vendor Kit published by the State of Alaska contains advice on employee training and how to eliminate underage sales. It also includes posters to help employees spot false identification and understand the serious penalties you and they face for selling tobacco to minors.

If you need additional assistance or have questions regarding this guide, please call the Tobacco Prevention and Control Program, (907) 465-3140

## Requirements for Signs & Displays

### ***"Age of Sale" Signs***

- Every business that sells tobacco must post a boldly printed sign in a conspicuous place where tobacco sales are likely to occur.
- Alaska law requires the sign to be at least 6 inches by 18 inches with lettering at least 1.25 inches high.
- The sign must read, "The sale of tobacco products to persons under age 19 is illegal."
- Failure to post this required sign may result in fines of \$250 per day up to a maximum penalty of \$5000.

### ***Where can I get free signs?***

- Signs are available from the Department of Community and Economic Development, Division of Occupational Licensing. Anchorage (269-8173), Fairbanks (451-2852), Juneau (465-2550).

### ***Outdoor & Storefront Signs***

- Under the Tobacco Settlement Agreement between Alaska and major tobacco companies, signs advertising cigarettes and smokeless tobacco that are displayed outside a tobacco retail store or on a window facing outward, may not exceed 14 square feet.
- These signs may not be combined or joined together to create a single display of more than 14 square feet.

### ***Self-Service Displays are Prohibited***

- Tobacco products must be displayed in such a way that the public cannot access them without the assistance of a clerk or cashier. Depending upon your store's layout, this location could be behind or under the counter or in a locked case or cabinet. Liquor stores and bars are the only exceptions.