



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin  
Governor

Bureau for Behavioral Health & Health Facilities

Commissioner's Office

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Rocco S. Fucillo  
Cabinet Secretary

Dear Retailer:

The West Virginia Bureau for Behavioral Health and Health Facilities, Division on Alcoholism and Drug Abuse, is committed to protecting the health of young people in West Virginia. In our continuing effort to ensure that youth do not illegally purchase tobacco products, law enforcement personnel, in coordination with substance abuse prevention specialists/grantees, will be conducting random/unannounced federally-mandated inspections of tobacco retailers. These efforts are designed to better assure that there are no sales of tobacco products to youth under the age of 18. Clerks/Owners/Corporations found to be in violation will be cited according to **WV State Code 16-9A-2** (as Amended March 2010). Citations issued to those in the above referenced categories for non-compliance with **WV State Code 16-9A-2** will be issued to the clerk individually, along with the store owner and/or Corporation. **WV State Code 16-9A-2** also specifies that subsequent violations at the same location or operating unit, firm, Corporation or individual will result in graduated penalties.

Enclosed please find merchant education materials, referred to as the '**See Red?**' **Retailer Education Initiative**, that will assist you in complying with **WV State Code 16-9A-2** (Sale of Tobacco Products to Youth under the Age of 18). Per suggestions of retailers state wide, the **See Red?** Materials have been downsized to fit point of sale areas.

With the enactment of the **Family Smoking Prevention and Tobacco Control Act**, 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. For additional information on retailer requirements of the **Family Smoking Prevention and Tobacco Control Act**, log onto [www.fda.gov/tobacco](http://www.fda.gov/tobacco).

In addition, we are also enclosing the **'Under 21'** material that will assist your store personnel in the compliance of sale of alcohol to minor youth (persons under the age of 21). **WV State Codes 11-16-18 (Unlawful acts of licenses; criminal penalties); 60-3A-25 (Certain acts of retail licenses prohibited; criminal penalties), and 60-8-20a (Unlawful acts by persons)** address WV State laws relative to the sale or provision of alcohol to underage persons.

Thank you in advance for contributing to the State's tobacco prevention efforts by not selling tobacco products to youth under the age of 18. Your compliance with **WV State Code 16-9A-2** and **FDA's Family Smoking and Tobacco Control Act** will reduce the number of youth who have access to tobacco products and continue to help West Virginia in preserving federal funding for substance abuse prevention and treatment. We also thank you for making sure that your employees adhere to **WV State Codes 11-16-18, 60-3A-25, and 60-8-20a** that addresses the sale of alcohol to minor youth.

Sincerely,

Victoria L. Jones  
Acting Commissioner

VLJ:dm

Enclosures:

- ✓ **See Red?** Flyer
- ✓ **See Red?** Brochure
- ✓ Under 21 Flyer
- ✓ ID Required Sticker
- ✓ Register Stickers