

WHAT RETAILERS CAN DO

- **Educate** your employees on WV Statutes (**WV State Code 16-9A-2**) pertaining to tobacco use and WV Statutes (**WV State Code 11-16-18**), (**WV State Code 60-3A-25**), and (**WV State Code 60-8-20a**) pertaining to laws concerning the sale or provision of alcohol to underage persons and the financial consequences of their non-compliance.
- **Train** employees on how to comply with the law and support their efforts.
- **Engage** employee commitment. Set aside time for your employees to read the enclosed materials and make sure they understand them and have them sign a written notice that they understand that selling tobacco products to a minor youth may result in their termination from employment.
- **Display** the enclosed '**See Red?**' materials as a reminder to your employees. The materials assist clerks in easily identifying those WV customers who are under the age of 18
- Display the enclosed '**Under 21**' materials as a reminder to your employees. The materials assist clerks in easily identifying those WV customers who are under the age of 21.
- Contact **Biddy Bostic**, Senior Behavioral Health Specialist, **SYNAR Compliance** for additional education information relative to tobacco compliance (304-356-4795) or **Stephanie Southall**, Senior Behavioral Health Specialist relative to the '**Under 21**' alcohol sale compliance (304-356-5064).

NOTE TO EMPLOYERS

Sale of Tobacco --The background of a WV Driver's license is **RED** for anyone under 18. Two versions of licenses are currently valid. The license with the yellow strip next to the photo that says ('Turns 18 On _____') is being phased out but is still a valid license. Next to the photo is a yellow strip that identifies the youth's 18th birthday – so anything before that date means that they are not old enough to buy tobacco products. This license is no longer valid upon the date of expiration. The new license still has the **red** background. In the upper right-hand corner is listed the 18th and 21st birthdays for that youth. Again, if a youth tries to

purchase a tobacco product before the date listed as their 18th birthday means that the youth is not old enough to purchase tobacco products. **When you see a red background on the license, that's a red flag to look at the date of birth.**

While some youth may not have yet had the opportunity to renew their license as soon as they turn 18, should a clerk be presented with a license with a red background, make sure they check the date. If it is the date of the youth's 18th birthday or after, it is legal for the clerk to sell. However, many corporate entities and owners have set their policy that if presented with a license with a red background, they are not to sell to the youth until they return with the renewed license (with a blue background).

Please note that under the amended code (*WV State Code 16-9A-2*), should any employer discover that his or her employee has sold or furnished tobacco products to minors, the employer may dismiss such employee for cause. Any such discharge shall be considered as 'gross misconduct' for the purpose of determining the discharged employee's eligibility for unemployment benefits in accordance with provisions of Section Three, Article Six, Chapter Twenty-one of *WV State Code 16-9A-2*, 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.

Sale of Alcohol – The background of a WV Driver's license is **BLUE** for anyone between the ages of 18 and 20. Two 'blue' licenses are valid. The older blue license has a red bar next to the photo that states 'Turns 21 On _____'. This license is being phased out. This license will no longer be valid upon the date of expiration. The new license issued to a person between the age of 18-20 shows the date the person turns 18 in the upper right-hand corner – '21st: date of birth'. Any date before the date listed as their 21st birthday means that the person is not old enough to buy alcohol. When you see a blue background on a WV license, look at the date to make sure the person is 21.