

previous page	retail page	contact us	français
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Supplying tobacco to anyone under 19 is against the law.

Get hooked on life, not for life.

Home	Community	School	Youth
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Features

[NTK Retailer Binder](#)[SFO Signs](#)[NTK Training Video & CD](#)

Frequently Asked Questions by Retailers



- Q.1 Can I sell tobacco to a young person who says they are 19 but does not have I.D.?
- Q.2 Can I sell tobacco to someone under 19 if they give me a note from a parent?
- Q.3 How can I identify customers who are not 19 years old?
- Q.4 Can I accept out-of-province I.D.?
- Q.5 The Ontario Health Card has a picture and a date of birth on it. Can I accept it?
- Q.6 What should I do if a young person shows me a Driver's Licence but the photo doesn't look like them?
- Q.7 I see the same customer all the time when I work. Do I have to ask for their identification every time?
- Q.8 How old does a store employee have to be to sell tobacco?
- Q.9 Can I sell single cigarettes if they can't buy a whole pack?
- Q.10 Can I sell rolling papers to kids?
- Q.11 Can I sell matches and lighters to kids?
- Q.12 One of my employees sold to a youth who was under 19. Am I in trouble?
- Q.13 Can a store lose its right to sell tobacco?
- Q.14 If someone is threatening me and does not leave my store after I refuse to sell them cigarettes, what can I do?
- Q.15 What should I do if I think an adult is buying cigarettes for a youth who is standing just outside of the store?
- Q.16 Do I need any special signs if my store sells cigarettes?
- Q.17 How can I get new signs or replace signs that have been damaged?
- Q.18 Where should I post the NOT TO KIDS signs that are included in the binder?



I.D.
Sales
Signs

[Top](#)

Answers To FAQ's ?

Q1. Can I sell tobacco to a young person who says they are 19 but does not have I.D.?

A1. NO I.D., NO TOBACCO ! The person must be at least 19 years old before they can be sold or given tobacco.

Q2. Can I sell tobacco to someone under 19 if they give me a note from a parent?

- A2. No!** A note from the parent, whether it be signed or not, is not acceptable. Phone calls from parents are also not acceptable. The Smoke Free Ontario Act requires that the person being sold or given tobacco products must be 19 years or older. You should explain to the youth and the parent that adults must come into the store in person if they want to buy tobacco.

Q3. How can I identify customers who are not 19 years old?

- A3.** The only way to know a customer's real age is to ask to see their identification. Clerks who sell tobacco products must ask any customer who appears to be under 25 for their identification. Anyone who looks like they are in elementary or secondary school, college or university should be asked for I.D.

Top

Q4. Can I accept out-of-province I.D.?

- A4. Yes.** Under the Smoke Free Ontario Act, an item of identification is allowed if it includes a photograph of the person, states his or her date of birth, and reasonably appears to have been issued by a government. A retailer can accept the six I.D.s as listed in the Smoke Free Ontario Act. The following I.D. is acceptable: Drivers License, LCBO Photo Card, Passport, Canadian Citizenship Card and Canadian Armed Forces I.D. Card.

Q5. The Ontario Health Card has a picture and a date of birth on it. Can I accept it?

- A5. Yes.** * A health card can be shown voluntarily as I.D. by a customer, but a retailer cannot ask the customer to show a health card.

Q6. What should I do if a young person shows me a Driver's Licence but the photo doesn't look like them?

- A6. DON'T SELL!** If you think the photo doesn't look like the customer, the I.D. may have been altered or be fake.

Q7. I see the same customer all the time when I work. Do I have to ask for their identification every time?

- A7.** It is a good idea to always ask for I.D. This is especially so when you get busy, and it's easy to forget. However, when the customer is a family member or you have seen their I.D. on previous occasions and you know the customer's exact date of birth and that they are 19 years old or older, then it's OK not to ask.

Q8. How old does a store employee have to be to sell tobacco?

- A8.** Under the Smoke Free Ontario Act, an employee selling tobacco can be any age. However, it is the responsibility of the owner/manager to make sure that all employees have been trained and know about the SFO Act. They must ask for identification before selling tobacco products to customers. Any employee who sells tobacco products to anyone under 19 will be charged. The store owner and corporation may also be charged.

Top

Q9. Can I sell single cigarettes if they can't buy a whole pack?

- A9. No.** Under the Smoke Free Ontario Act, it is against the law to sell single cigarettes to anyone. Cigarettes must be sold in packs of 20 or more. You will be charged. You could be fined and lose your license to sell tobacco after 2 charges.

Q10. Can I sell rolling papers to kids?

- A10. No.** Under federal law, a person must prove that they are at least 18 years old to buy rolling papers. Remember, in Ontario, they must prove to you that they are 19 years old before you can sell them tobacco.
<http://laws.justice.gc.ca/en/ShowFullDoc/cs/T-11.5//en>

Q11. Can I sell matches and lighters to kids?

A11. Yes, under the Smoke Free Ontario Act, you can. However, many retailers refuse to sell them due to safety concerns. Children can be seriously injured from playing with matches or lighters, not to mention the potential damage to property.

Q12. One of my employees sold to a youth who was under 19. Am I in trouble?

A12. The answer is yes, you could be. The person who sold the cigarettes to the youth will be charged under the Smoke Free Ontario Act and will face a minimum fine of \$300. You and your company or corporation may also be charged. Remember, it is your job to educate your staff about the sale of tobacco and the law.

Q13. Can a store lose its right to sell tobacco?

A13. Yes, if there are two or more convictions for selling tobacco to anyone under 19 within a 5 year time period your store will have a Tobacco Sales Prohibition. Your store would not be allowed to sell or keep tobacco in the store for 6 months. This prohibition remains in effect even if the store is sold to someone else.

Q14. If someone is threatening me and does not leave my store after I refuse to sell them cigarettes, what can I do?

A14. Do not argue or threaten the youth in any way. Try to stay calm. Call the police for help.

Top

Q15. What should I do if I think an adult is buying cigarettes for a youth who is standing just outside of the store?

A15. If you believe that the adult buying the cigarettes is then going to give them to the youth outside you should politely refuse the sale. Tell them they are breaking the law. Under the Smoke Free Ontario Act they can be charged. It's illegal for anybody to sell or give cigarettes to youth under 19. Requests for multiple types of cigarettes at one time are particularly suspicious.

Q16. Do I need any special signs if my store sells cigarettes?

A16. Yes! You need **three signs**, all of which are available from your local health unit. One large red and black "Age Restriction and Health Warning" sign must be at the tobacco display. Two smaller Government I.D. signs must be placed at the check out so that one faces the customer and one faces the clerk. Also remember that the store requires "No Smoking" signs on all entrances.

Q17. How can I get new signs or replace signs that have been damaged?

A17. Just call your local public health agency. The phone number should be on the inside cover of your NTK binder. Remember, you can be charged for not displaying signs required under the Smoke Free Ontario Act.

Q18. Where should I post the NOT TO KIDS signs that are included in the binder?

A18. You can post the NOT TO KIDS signs anywhere in your store where your customers can see them. These signs do not replace the **signs required by the Smoke Free Ontario Act**. Make sure that the black and red "Age Restriction and Warning" and "Government I.D. ." signs are posted in your store, along with No Smoking signs.

Top