



# Tobacco Compliance: Congratulate and Educate

Brea Hamdorf, PHN

Public Health

Aitkin County Health & Human Services



# About Congratulate and Educate

- The Congratulate and Educate (C&E) program was created by Minnesota Department of Human Services' Alcohol and Drug Abuse Division (ADAD) in 2014.
- Through Congratulate and Educate, agencies throughout Minnesota conduct compliance checks at tobacco retailers by having a person under 18 (15-17 years) attempt to purchase tobacco products.
- C&E vs. Regulatory compliance checks
- Retailers that pass the compliance check receive a certificate of **Congratulations** on their compliance with the law.



# Timeline of C&E in Aitkin County

- In early 2019 ~ Public Health was contacted by the Association of Nonsmokers/Clearway to extend a participation invitation for C&E checks.
- March ~ Letters were sent to all tobacco retailers in Aitkin County, informing about possible upcoming Congratulate and Educate checks and providing online education opportunities.
- March-April ~ Public Health identified tobacco license vendors for C&E checks. Set a goal of 19 C&E checks
- April-May ~ Sheriff's office identified 8 minors to assist as buyers for checks.
  - Signed consent was obtained from the parents.
- June ~ C&E checks completed



# C&E in Aitkin County

- Public Health partnered with Aitkin County Sheriff's office to complete the checks.
- Public Health coordinated which minors would assist at which locations
- Education and guidance provided to minors the day of, prior to the first check.
- 19 C&E checks were completed in June.
  - 15 vendors passed and did not sell to the minors.
  - 4 were out of compliance and sold to the minors.
    - Education provided immediately to the selling cashier.

# Certificate of Congratulations



## *Certificate of Appreciation*

*A Special Thanks To:*

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*For passing a Tobacco Compliance Check and doing your  
part to restrict youth access to tobacco.*

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*Name/Department*

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*Date*



Minnesota Department of Human Services

# Notification of Failure/Education

Minnesota Congratulate & Educate Project  
Helping to Restrict Youth Access to Tobacco

## You **FAILED** an Educational Tobacco Compliance Check

### WHAT DOES THIS LETTER MEAN?

It means you sold tobacco, an e-cigarette, or some other tobacco-related device or product to someone under the age of 18, which is against state law. Fortunately for you, it was an educational compliance check and you shouldn't face a fine or some other penalty **THIS TIME**. Consider this an opportunity to brush up on the law and what you need to do to avoid selling to anyone under the age of 18. You may face a consequence from your employer – that is up to them.

### WHAT IS A TOBACCO COMPLIANCE CHECK?

Under direct supervision, a minor (someone over the age of 15 but under age 18) will attempt to purchase tobacco, tobacco-related devices (such as pipes and rolling papers), electronic delivery devices (such as e-cigarettes), or nicotine or lobelia delivery products. These checks are performed to monitor compliance with federal, state, and local tobacco control laws.

### WHAT COULD HAPPEN IF I SELL TO SOMEONE UNDER 18?

Any person who sells to an underage person may:

- Have to pay a \$50.00 administrative penalty (some cities/counties have higher fees/penalties).
- Be found guilty of a misdemeanor, punishable by up to 90 days in jail and/or up to a \$1,000 fine for the first violation.
- Be found guilty of a gross misdemeanor, punishable by up to a year in jail and/or up to a \$3,000 fine for any additional violations within 5 years of a previous conviction.
- Face re-training, discipline, or even termination from employment.

### WHAT DOES MINNESOTA LAW SAY ABOUT SELLING TOBACCO TO YOUTH?

It is illegal to sell or furnish tobacco, tobacco-related devices (such as pipes or rolling papers), electronic delivery devices (such as e-cigarettes), or nicotine or lobelia delivery products to any person who is under the age of 18. This is commonly referred to as Minnesota's Youth Access Law.

*Minn. Stat. §§ 609.685, 6855*

*Check with your local licensing authority as some jurisdictions have increased the legal sales age to 21.*

FDA approved tobacco cessation products are exempt from these age restrictions.

### POINTS TO FOLLOW:

- Do NOT sell or furnish tobacco, tobacco-related devices (such as pipes or rolling papers), electronic delivery devices (such as e-cigarettes) or nicotine or lobelia delivery products to any person who is under the age of 18.
- Check an acceptable form of photo ID for everyone under age 27. Your employer may have a stricter policy and require you to check everyone's ID no matter how old they appear.
- Do NOT sell single cigarettes (often called "loosies").
- Do NOT give away free samples.
- Do NOT sell tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from a self-service display or vending machine if anyone under the age of 18 is permitted to enter the establishment at any time.

*\*. Check with your city or county as some jurisdictions have increased the legal tobacco sales age to 21. MN statute 461.19 states Sections 461.12 to 461.18 do not preempt a local ordinance that provides for more restrictive regulation of sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products.*

### LEARN MORE:

The Minnesota Tobacco Retailer Training is an online resource designed to help tobacco retailers and their staff comply with Minnesota and federal laws that regulate the sale of tobacco and related devices and products.

To access this free training, visit [www.stopsalestominors.org](http://www.stopsalestominors.org)



# Lessons learned

- Stress the importance to the purchasing minors of providing truthful and verbal answers to any and all questions that the cashiers may ask.
- Recruit far more potential buyers/minors than will actually be used.
- Include minors contact information on consent forms



# Continued Tobacco Compliance in Aitkin County

- Aitkin County Sheriff's Office and Public Health plan to continue to work together to reduce the sale of tobacco products to minors within Aitkin County.
- C&E checks plan to be completed again in 2020.
- Working towards establishing more routine compliance checks



# Dangers of tobacco use among youth

- In 2017, youth tobacco use in MN increased for the first time in 17 years.
- Almost 95% of addicted adult smokers started before the age of 21
  - nearly 90% before the age of 18.
- According to the 2016 MN Student Survey, over 12% of Aitkin County 9th graders reported using or having tried tobacco.
- Because the frontal lobe in the brain continues to develop until age 25, youth that use a substance (nicotine, alcohol, or other drugs) are more likely to become addicted.
- Vaping is a concern that all there school districts are reporting.
  - e-juice contains many chemicals that are known to be harmful
  - all JUUL products contain nicotine



# Dangers of Vaping

- Vaping-Associated Lung injuries have been reported across the country
  - more than 500 cases reported in the U.S.
  - 36 confirmed or probable cases in MN
    - 1 confirmed death
    - 26 under review
  - Symptoms: shortness of breath, fever, cough, vomiting, headache, dizziness, and chest pain
- Popcorn Lung
  - Irreversible respiratory disease caused by exposure to inhaled diacetyl
    - Causes the small airways in the lungs to become irreversibly scarred and constricted, impairing breathing.
- Irritation of ears, eyes and throat common
- Nicotine has known effects on the cardiovascular system
  - Some studies suggest that e-cigarettes can lead to cardiovascular disease.



# Legislative changes regarding tobacco products

- T21 ~ 43 cities and counties in MN have raised the tobacco age to 21.
  - 480 localities in 29 states have passed Tobacco 21 policies.
- FDA plans to remove flavored E-Cigarettes from market pending review.
- Minnesota Clean Indoor Air Act amended to expand the definition of smoking to include vaping.