

## RETAILER FACTSHEET

### Sales to minors

**In NSW it is illegal to sell tobacco, non-tobacco smoking products, e-cigarettes or e-cigarette accessories to a person under the age of 18.**

**The maximum penalty for selling any of these products to minors is, in the case of an individual, \$11,000 for a first offence or \$55,000 for a second or subsequent offence. In the case of a corporation, the maximum penalty is \$55,000 for a first offence or \$110,000 for a second or subsequent offence.**

**A retailer or employee must ensure the customer is over 18 before selling these products to them. Proof of the customer's age must be requested and checked before any tobacco product, non-tobacco smoking product, e-cigarette or e-cigarette accessory is sold to any young person.**

When this factsheet refers to tobacco and e-cigarette products it means all tobacco products, non-tobacco smoking products, e-cigarettes and e-cigarette accessories.

### What does the law say in relation to sale of tobacco or e-cigarette products to young people?

Under the *Public Health (Tobacco) Act 2008* it is illegal to sell tobacco products or non-tobacco smoking products, such as herbal cigarettes, to people under the age of 18.

It is also illegal to sell e-cigarettes and e-cigarette accessories to people under the age of 18.

### Who can be fined for selling tobacco or e-cigarette products to someone under the age of 18?

Both the employee who sells the product and their employer can be prosecuted.

### Why is teenage smoking a problem?

Most regular adult smokers start smoking in their teens. The easier it is for teenagers to get tobacco, the more likely it is they'll start smoking while they are young. The earlier a person starts smoking, the earlier it is they'll suffer smoking related disease, and the more difficulty they will have quitting. The law prohibits selling e-cigarettes or e-cigarette accessories to children and young people in order to protect them from any potential risks that e-cigarettes may pose.

## Can an employee under the age of 18 sell tobacco or e-cigarette products?

Yes, however it is an employer's responsibility to ensure all employees are fully aware of the law related to selling tobacco and e-cigarette products as well as the consequences that may arise if this law is broken.

## What is suitable proof of age identification?

The approved forms of identification (ID) are:

- ✓ the Roads and Maritime Services (RMS) Photo Card
- ✓ a driver's licence
- ✓ a passport
- ✓ a keypass (over-18) identity card issued by Australia Post.

## What should I do if I think someone is under 18?

Proof of age should be routinely requested if anyone appears to be under 25 years old. Check the photo on the ID to make sure it is the customer. Pay particular attention to the day and date of birth. Some retailers find it useful to put a day and date reference check on their sales register. For example the current date and the date 18 years earlier.

## What if I think the proof of age identification is a fake?

If you think the proof of age identification is a fake or has been tampered with, refuse the sale. You may also wish to report the matter to the Police.

## What if someone under the age of 18 says they are buying it for someone else?

There are no acceptable reasons for selling tobacco products to someone under the age of 18 and you may be prosecuted if caught. Common excuses might include:

*"I'm buying these for my parents."*

*"My grandmother is sick."*

*"I left my ID in the car."*

*"Is a credit card ok for ID?"*

*"Come on - just this once?"*

None of these are acceptable. The bottom line is that if you suspect a person is under age then ask for suitable ID. If they can't produce it, refuse the sale.

## What if a customer becomes aggressive, angry or upset?

Explain that it is a routine policy to ask for proof of age. Draw their attention to the sign displayed at the point of sale that says, *"Selling tobacco products to persons under 18 years of age is a criminal offence"*. If they remain angry, call the manager or follow the shop's policy in managing angry or upset customers.

## What signage needs to be displayed in retail outlets?

There are two signs that tobacco retailers must display at the point of sale. One is a large sign that says:

**Smoking kills**  
**Call the Quitline**  
**137 848 or 13 QUIT**

Penalties apply for not displaying this sign where tobacco is sold.

The second sign is a sales to minors sign. The sign says:

**NOTICE**  
*Public Health (Tobacco) Act 2008*

**SELLING TOBACCO PRODUCTS  
OR E-CIGARETTES TO PERSONS  
UNDER 18 YEARS OF AGE IS  
A CRIMINAL OFFENCE**

**MAXIMUM PENALTY \$110,000**

Report offences to the Ministry of Health on 1800 357 412  
or to your nearest police station.  
Ministry of Health

If you sell e-cigarettes or e-cigarette accessories you must display the sales to minors sign, but you only need to display the Smoking Kills sign if you sell tobacco products.

Penalties apply for not displaying the sales to minors sign where tobacco products, e-cigarettes or e-cigarette accessories are sold.

## Where are signs available from?

Signs are provided free of charge to retailers when they register for a free Tobacco Retailer Notification via Service NSW at [www.service.nsw.gov.au](http://www.service.nsw.gov.au).

Signs can also be obtained by contacting [popresources@doh.health.nsw.gov.au](mailto:popresources@doh.health.nsw.gov.au) or 1300 655 957.

## How is the law monitored?

The NSW Sales to Minors Program regularly tests compliance with this law. Retail outlets are randomly visited. Employers and staff working in newsagents, tobacconists, convenience stores, supermarkets and petrol stations have been prosecuted for selling tobacco products to people under the age of 18.

## What about adults buying cigarettes or e-cigarettes for minors?

It is illegal for an adult to purchase tobacco, non-tobacco smoking products, e-cigarettes or e-cigarette accessories on behalf of someone under the age of 18.

## Remember

You have a responsibility to make sure that every customer who buys tobacco or e-cigarette products from your shop or business is at least 18 years of age. To be sure, make it a routine habit to ask anyone under the age of 25 for proof of age. Selling to a minor can result in heavy penalties for yourself and your employer.

## Further information

For further information about tobacco control, please access the NSW Health website and Tobacco Retailer online training: [www.health.nsw.gov.au/tobacco](http://www.health.nsw.gov.au/tobacco) or call the Tobacco Information Line on **1800 357 412**.

The Tobacco Information Line can be accessed by non-English speaking persons via the Translating and Interpreting Service (TIS) on **13 14 50**.