



*Disclaimer: This SAMPLE Company Tobacco and Vaping Product Sales Policy FORM is provided as a service of The *We Card* Program, Inc. It is NOT intended to provide legal advice or analysis. This SAMPLE Sales Policy FORM is not intended to be a complete representation of all federal, state law or local law, or federal Food & Drug Administration (FDA) regulations, which may contain additional requirements relating to tobacco and vaping product sales not mentioned in this SAMPLE, and users should not rely on this SAMPLE Company Sales Policy as complete or accurate descriptions of applicable federal, state or local law, or FDA regulations. The *We Card* Program, Inc. encourages users to amend and adapt this FORM, with the assistance and advice of counsel, to reflect each state's unique laws. Check with local authorities for variations from state law.

Content updated as of 1/1/25

Use this SAMPLE to customize for your company.

- Get every employee who handles customer transactions to read and sign this document.
- Keep a copy for your employee files.

COMPANY TOBACCO & VAPING PRODUCT SALES POLICY & Employee Acknowledgement of Company Policy

Our Company has a youth access to tobacco and vaping product policy that is designed to prohibit the sale of tobacco, vaping and nicotine pouches products to customers under the legal age.

Our Company requires all store-level employees involved in customer transactions to comply with federal law, the Food and Drug Administration (FDA) Regulations and applicable state and local laws governing the prevention of tobacco, vaping and nicotine pouches product sales to underage customers.

Store level employees must adhere to FDA Regulations, state and local laws, including:

- **Deny sales to anyone under 21 years old** for FDA regulated products (SEE Restricted Products section).

State Minimum Age Laws

If your state or locale has a higher than 21 years old minimum-age requirement, then you must follow that minimum age.

- **Check proof of age for anyone under 30 years old*** – each-and-every time – by verifying that any person buying FDA-regulated products is of legal age to purchase by means of photo- graphic identification (photo ID) containing the bearer’s date of birth.

*Some states have a higher minimum-age to check proof of age. Follow the state requirement if it is above 30 years old.

- **Decline a sale** when the customer is underage, has no photo ID, the photo ID contains no date-of-birth or the photo ID has expired.

Our Company agrees to comply with FDA regulations that apply to the FDA regulated tobacco products defined under the Tobacco Control Act as any product made or derived from tobacco or containing nicotine from any source (e.g., synthetic nicotine) that is intended for human consumption:

- Cigarettes, cigarette tobacco and roll-your-own tobacco
 - Do NOT break open cigarette packages to sell products in smaller amounts.
 - Do NOT sell single cigarettes, also called “loosies.”
 - Do NOT sell cigarette packages containing fewer than 20 cigarettes.
 - Do NOT sell flavored cigarettes, cigarette tobacco or roll-your-own tobacco (other than menthol or tobacco)
 - Only sell in a direct face-to-face exchange*.

- Nicotine Pouches
- Smokeless tobacco
 - Do NOT break open packages to sell products in smaller amounts.
 - Only sell in a direct face-to-face exchange*.
 - Do NOT sell without a health warning label.
- Cigars
- Hookah & Pipe tobacco
- Dissolvable tobacco products
- Electronic Nicotine Delivery System (ENDS), which are products such as:
 - e-cigarettes
 - e-hookah
 - ecigars
 - vape pens
 - advanced refillable personal vaporizers
 - electronic pipes
 - Components and Parts, such as:
 - e-liquids**
 - atomizers
 - batteries (with or without variable voltage)
 - cartomizers (atomizer plus replaceable fluid-filled cartridge)
 - digital display/lights to adjust settings
 - clearomisers
 - tank systems
 - flavors
 - vials that contain e-liquids
 - programmable software
- **Do NOT give away free samples** of any of these FDA regulated products or components and parts. EXCEPTION: Free samples of smokeless tobacco in limited are only allowed in a “qualified adult-only facility” -- where no person younger than 21 is permitted to enter or be present (or a higher minimum-age if your state or locality has a higher age limit.)
- **Do NOT sell in vending machines** UNLESS you operate a “qualified adult-only facility” -- where no person younger than 21 is permitted to enter or be present (or a higher minimum-age if your state or locality has a higher age limit.)

Excluded from FDA regulation are accessories, such as: ashtrays, spittoons, hookah tongs, cigar clips and stands, pipe pouches, humidors.

*The sale of cigarettes, cigarette tobacco and smokeless tobacco through vending machines and self-service displays are allowed in adult-only facilities where no person younger than 21 is permitted to enter or be present (or a higher minimum-age if your state or locality has a higher age limit.)

Our Company will provide customer transaction-focused training to store employees who must responsibly retail tobacco, vaping and nicotine pouches products, including preventing illegal sales to underage customers.

Employees must make every reasonable effort to properly identify and deny tobacco, vaping and nicotine pouches product sales to underage customers.

Employees are personally responsible for any citations and fines as a result of their violation of state or local laws.

Employees in violation of this Policy will be subject to disciplinary action from the Company.

Employees have the right to deny a tobacco, vaping and nicotine pouches product sale to a customer if there is any question that making the sale would violate the law.

Unless otherwise required by law, Company employees must require one of the following current and valid photo-ID cards to establish a customer's legal age to purchase tobacco or tobacco-related products.

1. State-Issued Driver's License;
2. State-Issued Identification Card;
3. Passport;
4. Military-Issued Identification Card

Company employees must promptly inform their supervisor if they become aware of violations of laws that prohibit:

1. The purchase or attempted purchase of tobacco, vaping and nicotine pouches products (FDA regulated products) by underage customers;
2. Persons from supplying tobacco, vaping and nicotine pouches products to underage customers;
3. Theft of tobacco or vaping products; and
4. The alteration or misuse of a government-issued ID card in connection with an attempt to purchase tobacco, vaping and nicotine pouches products.

Company employees should know that the FDA and state and local authorities may conduct compliance checks of a store and an employee's actions to determine if the requirements - of asking for identification of customers under the age of 30 and the subsequent denial of tobacco, vaping and nicotine pouches product sales to any underage customer - are being met. Other inspections by government representatives may also occur at the store level to determine if other regulations and laws are followed - such as the proper posting of any state-required signs or the illegal offering of single cigarette sales.

The Company may also conduct unannounced mystery shops of its stores and employees to determine whether or not this Policy and laws and regulations are being followed.

Failure to follow the Company policy, by not carding individuals who are under 30 years old* or selling to an underage customer, could result in the following:

- Store fines
- Loss of your store's tobacco license
- Company discipline
- Personal fines

*Some states have a higher minimum-age to check proof of age. Follow the state requirement if it is above 30 years old.

Responsible retailing of tobacco and vaping products is a daily activity for our Company and our employees, and we are committed to executing that responsibility.

Employee Acknowledgement of Company Policy

Employee Name (please print full name)

Employee Signature

Date