



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

Dear Retailer:

The West Virginia Bureau for Behavioral Health and Health Facilities, Office of Children, Youth & Families, is committed to protecting the health of young people in West Virginia. In our continuing effort to ensure that youth do not illegally purchase tobacco products, law enforcement personnel, in coordination with substance abuse prevention specialists/grantees, will be conducting random/unannounced federally-required inspections of tobacco retailers. These efforts are designed to ensure that there are no sales of tobacco products to youth under the age of 18. Clerks/Owners/Corporations found to be in violation will be cited according to **WV State Code §16-9A-2 (c)** (as amended March, 2014). Citations issued to those in the above-referenced categories for non-compliance with **WV State Code §16-9A-2 (c)** will be issued to the clerk individually as well as the store owner and/or Corporation. **WV State Code §16-9A-2 (c)** also specifies that subsequent violations at the same location or operating unit, firm, corporation or individual will result in graduated penalties. **WV State Code §16-9A-2 (c)** (as amended March 2014) includes tobacco-derived and alternative nicotine product or vapor products relative to the sale of said products to persons under the age of eighteen (18).

Enclosed please find merchant education materials, referred to as the “**See Red?**” **Retailer Education Initiative**, that will assist you in complying with **WV State Code §16-9A-2 (c)** (sale of tobacco products to youth under the age of 18).

With the enactment of the **Family Smoking Prevention and Tobacco Control Act**, the U.S. Food and Drug Administration (FDA) requires that retailers verify the age of purchasers of cigarettes or smokeless tobacco who are under the age of 27 by means of photographic identification that contains the bearer’s date of birth. For additional information on retailer requirements of the **Family Smoking Prevention and Tobacco Control Act**, log onto www.fda.gov/tobacco.

In addition, we are also enclosing the “**Under 21**” material that will assist your store personnel in the compliance of sale of alcohol to underage youth (persons under the age of 21). **WV State Codes, Chapter 11, §11-16-18** (Unlawful acts of licenses; criminal penalties); **Chapter §60-3A-25** (Certain acts of retail licenses prohibited; criminal penalties) and **Chapter §60-8-20 (a)** (Unlawful acts by persons) address WV State laws relative to the sale or provision of alcohol to underage persons.

Thank you in advance for contributing to the State’s tobacco prevention efforts by not selling tobacco products to youth under the age of 18. Your compliance with **WV State Code §16-9A-2 (c)** and **FDA’s Family Smoking and Tobacco Control Act** will reduce the number of youth who have access to tobacco products and continue to help West Virginia in preserving federal funding for substance abuse prevention and treatment. We also thank you for making sure that your employees adhere to **WV State Codes, Chapter 11, §16-18, Chapter 60, §3A-25 and Chapter 60, §8-20a** that address the sale of alcohol to underage persons.

Sincerely,

Victoria L. Jones
Commissioner

Enclosures:

See Red? Materials