



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

Bureau for Behavioral Health
Commissioner's Office

Christina R. Mullins
Commissioner

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Dear Retailer:

The West Virginia Department of Health and Human Resources, Bureau for Behavioral Health, 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, tobacco-derived, alternative nicotine, or vapor products to youth under the age of 18. Clerks/owners/corporations found to be in violation will be cited according to **W. Va. Code §16-9A-2(c)**, as amended. Citations issued to those in the above-referenced categories for non-compliance with **W. Va. Code §16-9A-2(b)** will be issued to the clerk individually as well as the store owner and/or corporation. **W. Va. 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. **W. Va. Code §16-9A-2** includes tobacco-derived and alternative nicotine product or vapor products relative to the sale of said products to persons under the age of 18.

Enclosed please find merchant education materials that will assist you in complying with **W. Va. Code §16-9A-2** in the sale of tobacco products, tobacco-derived products, alternative nicotine products, or vapor products to persons under the age of 18. Please note changes in the valid WV IDs in the enclosed packet.

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, smokeless tobacco, or vapor products who are under the age of 30 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**, visit www.fda.gov/tobacco. FDA also offers retailers merchant education material that will assist your employees in complying with federal laws relative to the sale of tobacco and/or vapor products.

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In addition, we are also enclosing the “**Under 21**” material that will assist your store personnel in the compliance with state laws prohibiting the sale of alcohol to underage youth (persons under the age of 21). **W. Va. Code §11-16-18** (Unlawful acts of licensees; criminal penalties); **§60-3A-25** (Certain acts of retail licensees prohibited; criminal penalties) and **§60-8-20a** (Unlawful acts by persons) address West Virginia’s 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 **W. Va. Code §16-9A-1 et seq.** 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 **W. Va. Code §11-16-18, §60-3A-25 and §60-8-20a** that address the sale of alcohol to underage persons.

Sincerely,



Christina R. Mullins
Commissioner

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Enclosures: Retailer Education Materials