

# Cigarette, E-Cigarette and Tobacco Products Retail Employee Notification

Completed notification forms must be kept at the retail location.

<b>RETAILER INFORMATION</b>	<p>Retailer name</p> <input style="width:100%; height: 20px;" type="text"/> <p>Location address</p> <p>Street</p> <input style="width:100%; height: 20px;" type="text"/> <p>City</p> <input style="width:60%; height: 20px;" type="text"/> <div style="display: flex; justify-content: space-between;"> <div style="width: 15%;">State</div> <div style="width: 25%;">ZIP code</div> </div> <input style="width:100%; height: 20px;" type="text"/> <p>Taxpayer number</p> <input style="width:30%; height: 20px;" type="text"/> <p>Permit number</p> <input style="width:30%; height: 20px;" type="text"/> <p>Outlet number</p> <input style="width:30%; height: 20px;" type="text"/> <p>Notice and explanation given by:</p> <p>Name</p> <input style="width:40%; height: 20px;" type="text"/> <p>Title</p> <input style="width:40%; height: 20px;" type="text"/>
<b>PROVISIONS OF THE LAW</b>	<p>Retailers are required to notify each employee engaged in the retail sale of cigarettes, e-cigarettes and/or tobacco products that state law:</p> <ol style="list-style-type: none"> <li>(1) prohibits retailers and their employees from selling or providing cigarettes, e-cigarettes and/or tobacco products, or giving coupons for cigarettes, e-cigarettes or tobacco purchases to any person under 21 years of age. A violation is a Class C misdemeanor;</li> <li>(2) requires retail employees to request proof of age from any person under 30 years of age who attempts to purchase cigarettes, e-cigarettes or tobacco products. Retailers may be fined up to \$1,000 per violation or have their permit revoked or suspended for selling cigarettes, e-cigarettes or tobacco products to any person under 21 years of age;</li> <li><b>(3) subjects retail employees to criminal prosecution for a Class C misdemeanor if, with criminal negligence, they sell cigarettes, e-cigarettes and/or tobacco products to any person younger than 21 years of age;</b></li> <li>(4) prohibits the sale of loose cigarettes or cigarettes in individual packages containing fewer than 20 cigarettes and imposes a \$100 fine for violations;</li> <li>(5) prohibits the distribution of free samples of cigarettes, e-cigarettes or tobacco products;</li> <li>(6) requires each person who sells cigarettes, e-cigarettes or tobacco products at retail or by vending machine to post a sign in a conspicuous location warning employees and customers about the tobacco law and the penalties for violations of the law. The Comptroller, on request, will provide the sign without charge to any person who sells cigarettes, e-cigarettes or tobacco products. Retail employees must ensure that the appropriate sign is always properly displayed while they are on duty. A violation is a Class C misdemeanor.</li> <li>(7) prohibits the sale of cigarettes, e-cigarettes or tobacco products in a manner that allows customers direct access to the cigarettes, e-cigarettes or tobacco products. This provision does not apply to: a facility or business that is not open at any time to any person younger than 21 years of age; a part of a facility or business that is a humidor or other enclosure designed to store cigars in a climate-controlled environment and that is not open to persons younger than 21 at anytime; or a package store properly permitted under the Alcoholic Beverage Code and that is not open to persons younger than 21 at anytime. A violation is a Class C misdemeanor;</li> <li>(8) prohibits the placement of tobacco vending machines in a manner permitting direct customer access in any business that is accessible to any person younger than 21 years of age. The Comptroller or a peace officer may, with or without a warrant, seize, seal, or disable a vending machine installed or maintained in violation of this provision. A violation is a Class C misdemeanor.</li> </ol>
<b>EMPLOYEE INFORMATION</b>	<p>Employee name</p> <input style="width:60%; height: 20px;" type="text"/> <p>Social Security number</p> <input style="width:30%; height: 20px;" type="text"/> <p>Current address</p> <p>Street</p> <input style="width:100%; height: 20px;" type="text"/> <p>City</p> <input style="width:60%; height: 20px;" type="text"/> <div style="display: flex; justify-content: space-between;"> <div style="width: 15%;">State</div> <div style="width: 25%;">ZIP code</div> </div> <input style="width:100%; height: 20px;" type="text"/> <p>Employment date</p> <input style="width:30%; height: 20px;" type="text"/> <p>Termination date</p> <input style="width:30%; height: 20px;" type="text"/>
<b>EMPLOYEE STATEMENT</b>	<p>I, _____, have been notified of the provisions of cigarette, e-cigarette and tobacco products law as required under Health &amp; Safety Code, §161.085. By signing this form, I acknowledge that the law has been fully explained to me and that I understand and agree to comply with the law as a condition of employment.</p> <p>Employee Signature</p> <input style="width:60%; height: 20px;" type="text"/> <p>Date</p> <input style="width:30%; height: 20px;" type="text"/> <p><b>sign here</b> </p>

## Retail Employee Notification Instructions

### General Information

Under Texas law, cigarette, e-cigarette and/or tobacco products retailers are responsible for the training and supervision of employees involved in the retail sale of cigarettes, e-cigarettes and/or tobacco products.

**Who May Use This Form** - Cigarette, e-cigarette and/or tobacco products retailers may use this form to document their compliance with Health and Safety Code, Sec. 161.085, which requires retailers to notify their employees and agents of state law regarding the retail sale of cigarettes, e-cigarettes and/or tobacco products.

**When to Use This Form** - Photocopy and use this form to provide the required notification to each employee within 72 hours of when the employee begins selling cigarettes, e-cigarettes and/or tobacco products at retail. The retail employee must sign the form as proof that notice was given. (*Health and Safety Code, Sec. 161.085*)

**Record Keeping Requirements** - *Retailers are required to retain the signed employee notification form at the retail location to which the employee is assigned for the duration of employment and for 60 days after the individual leaves employment. Retailers must present these forms to law enforcement officers and/or state officials on demand. Failure to produce proof of the required notice is a Class C misdemeanor. It is a defense to prosecution if the retailer presents proof, within 7 days of the date of the demand, that the employee did sign and date this form as required by law. (Health and Safety Code, Sec. 161.085)*

**Retailer Violations** - A retailer is subject to disciplinary action if an agent or employee of the retailer commits an offense under Health and Safety Code, Subchapter H, Chapter 161, and the retailer failed to prevent the offense through adequate supervision and training of the agent or employee. If the Comptroller finds, after notice and an opportunity for a hearing, that a retailer has violated Health and Safety Code, Subchapter H, Chapter 161, at a place of business for which a permit is issued, the Comptroller may suspend or revoke the permit for that place of business or assess an administrative fine in an amount up to \$1,000 per violation. (*Tax Code, Sec. 154.1142 and Sec. 155.0592*)

### For Assistance

If you have any questions regarding this form or compliance with the laws governing retail sales of cigarettes, e-cigarettes and/or tobacco products, call the Comptroller of Public Accounts at 800-862-2260.

Frequently asked questions for Cigarette, Cigar and Tobacco products can be accessed at [www.comptroller.texas.gov/taxes/tobacco/faq.php](http://www.comptroller.texas.gov/taxes/tobacco/faq.php).

To report violations of Texas tobacco laws, please call the Comptroller's hotline at 800-345-8647.