



Raising the Age to Sell Tobacco: Establishing a Minimum Clerk Age

Through licensing and related regulations, local governments (cities and counties) have the opportunity to address the sale of tobacco and related devices and products (such as electronic cigarettes) in the retail environment. This fact sheet provides an overview of considerations involved when establishing a minimum age to sell tobacco. It is one in a series of resources providing Minnesota-specific information on local retail tobacco licensing and point-of-sale options.

Background

Peers can be a key source of tobacco for minors. Underage clerks can feel pressured to sell tobacco to their friends or others that they know. Those closer to age 18, or more physically mature youth may be more successful buying tobacco from younger clerks. Setting or increasing the minimum age for those who sell tobacco is one way to reduce illegal sales to minors.

Child Labor Laws

Federal and state laws do not directly address the age of retail clerks selling tobacco. Child labor laws generally prohibit employing someone under 14 and restrict the total hours or time of day that minors may work. While these restrictions apply generally to the retail environment, **there is no minimum age specific to the sale of tobacco.**

Policy Considerations

A number of policy considerations should be taken into account when considering a minimum clerk age:

- **Reducing a key source of tobacco for minors:** Underage clerks often serve as a source of tobacco for their friends and other peers — something that is generally confirmed through surveys and other local public health data. Peer pressure and wanting to avoid negative social consequences make underage clerks more likely to sell to their peers. Setting or raising the minimum age to sell tobacco can help address these issues.
- **Raising the minimum age to purchase tobacco:** The minimum age to purchase tobacco products is 18 under federal and state law. However, a growing number of states and local governments have raised the minimum age to purchase tobacco

in their communities — many to 21. Raising the minimum clerk age is a complimentary policy option to further reduce illegal sales to minors.

- **Business concerns:** High job turnover can be a problem in the convenience store setting. Filling vacancies can become much more difficult when the applicant pool is limited to adults. In communities with low unemployment rates, it can be difficult to find adults willing to work for the prevailing clerk wage. Family-owned businesses often rely on family members to staff their stores.
- **Lost employment opportunities:** After-school and summer jobs for youth are important for many reasons and are valued by parents, school programs, and other community organizations. Clerk positions may be one of the few opportunities available.
- **Reduced clerk access to tobacco:** Setting or raising the minimum clerk age could limit an underage clerk's exposure to tobacco products and their marketing, something that could decrease the likelihood of becoming a tobacco user in the future.
- **Adults may be more reliable and easier to hire and retain:** Adults can have a greater financial incentive to get hired and stay employed. It can be difficult to properly train youth with limited work hours (often nights and weekends). The consequences of illegal sales may not be adequately understood by someone entering the work force for the first time, someone who may not fully understand the health risks associated with tobacco.

Policy Options

Local governments can adopt more stringent regulations on the sale of tobacco products, including:

- **Require a minimum age for retail clerks to sell tobacco:** As a condition of their license, tobacco retailers agree to abide by all applicable laws — including those that provide minimum ages. A licensing ordinance could include language such as:

Minimum employee age. Individuals employed by a person licensed under this ordinance must be at least _____ () years of age to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products.

Some Minnesota communities have set the minimum clerk age at 18. Aligning the clerk's age to the minimum age to purchase reduces the role peer pressure can play. The higher the age, the greater the potential impact.

- **Mandatory training:** If setting or raising the minimum age is not feasible, consider requiring all retailers and their staff to participate in training. The costs associated with the training can be incorporated into the license fee. For more information on license fees, see *Retail License Fees*.
- **Require adult clerks for repeat offenders:** As a condition of continued license eligibility, repeat offenders could be required to have all tobacco sales conducted by adult employees.



CONTACT US

Please feel free to contact the Public Health Law Center at (651) 290-7506 or publichealthlaw@mitchellhamline.edu with any questions about the information included in this fact sheet or to discuss concerns you may have about implementing these policy options.