

DLL Tobacco Compliance Testing Results for Calendar Year 2025 As Required by 7 V.S.A. §1007(b)(3)

1

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Report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Economic Development, Housing & General Affairs

CONTENTS

Executive Summary	Page 3
Compliance Testing background	Page 4
Testing procedures	Page 5
Compliance Minors Age restrictions	Page 6
2025 Tobacco Compliance Data	Page 7
Responsible clerk (seller) Information	Page 8
Compliance Procedure Signature Form	Page 9
Compliance Failure Penalty Schedule	Page 10

EXECUTIVE SUMMARY

Act 58 Report Summary 2025

The Department of Liquor and Lottery (“DLL”), Office of Compliance and Enforcement (OCE) conducted 679 tobacco compliance tests in 2025. OCE performs these checks as required by Act No. 58 (1997) codified at 7 V.S.A. §1007(b)(3).

7 V.S.A. §1007(b)(1) describes a target compliance rate of 90%, **The overall percentage of compliance for the state during calendar year 2025 was 90.49%, meeting that objective.**

It should be noted that the total number of licensees checked for tobacco compliance are made up of individual clerks who are trained by DLL via in-person seminars, through on-line training, trained by their employer, or in some cases, not trained at all.

The Department has rolled out a new online licensing, education, and enforcement portal. Through the portal, the Department and licensees have access to a vast amount of real time data including notification to owners / managers of any enforcement actions taken, including compliance failures. The Department believes that this near real time notification will enhance awareness for owner / operators and is one of the many benefits of the new online system.

BACKGROUND ON COMPLIANCE TESTING

Federal law requires that all states, as a condition of receiving substance abuse prevention and treatment block grant funding, comply with section 1926 of the Public Health Service Act, otherwise known as the "Synar Amendment." To meet this requirement, states must have demonstrated a measurable reduction in retail tobacco sales to underage youth in the years after the "Synar Amendment" and to demonstrate a continuation of the reductions in sales.

One major component of the federal requirement is that states must conduct a statewide retail compliance check survey. The purpose of this survey is to gather information regarding the prevalence of illegal retail sales of tobacco products to underage youth. This survey is conducted on an annual basis as an ongoing measure to gauge progress in decreasing the incidence of such sales. The information gathered in the survey is reported annually to the U.S. Department of Health and Human Services, in compliance with the federal Synar legislation. (1997 Synar, State of Wisconsin Website)

In July 1992, Congress enacted the Alcohol, Drug Abuse and Mental Health Administration Reorganization Act (P.L.103-321), which includes an amendment (Section 1926) aimed at decreasing access to tobacco products among individuals under the age of 18. The Synar Regulation requires states to enact and enforce laws prohibiting any manufacturer, retailer, or distributor from selling or distributing tobacco products to individuals under the age of 18. The goal of the amendment is to reduce the number of successful illegal purchases by minors to no more than 20% in each state within a negotiated period. (Synar Regulation: Sample Design Guidance, Center for Substance Abuse Prevention, 1996)

Compliance testing procedures / DLL requires the following:

- Written parental permission must be obtained for the compliance minor if he or she is a student or resides with parents, unless the compliance minor is at least 18 years of age or is an emancipated minor, then parental consent is not required.
- All employed minors will be between 17 and 20 years of age. Minors shall be removed from the compliance program NLT 30 days prior to their 21st birthday.
- Copy of participating minor's birth certificate and photograph for file.
- Candidates must exhibit a young adult appearance. Male candidates must not have any visible facial hair. Females must not display excessive make-up.
- Participating minor will be supervised at all times by a DLL Investigator. DLL Investigators may enter the establishment shortly after the minor enters.
- Participating minor will be given the money for the attempted purchase via a non-branded state issued credit card.
- The participating minor confirms that he or she does not have any tobacco products on his or her person when entering the store.
- Participating minor will be instructed not to misrepresent their age or pressure clerk to sell tobacco products.
- Participating minor will present valid photographic identification if asked when attempting to purchase tobacco products.
- If asked about his/her age, the minor will admit their correct age.
- Upon entering the tobacco selling establishment the minor will attempt to observe the clerk selling the tobacco products to obtain a good description.
- After the purchase attempt, the minor will exit with or without the tobacco products.
- If tobacco products are purchased, the products are immediately handed over to the assigned investigator.
- Payment will be delivered to the participating minor on state paydays per the DHR pay period schedule.
- The minor information sheet for each participating minor will need to be submitted to the executive assistant in order for the payment to be remitted.
- The participating minor understands that he/she must maintain confidentiality regarding the Department of Liquor and Lottery's procedures and involvement with the compliance program in the State of Vermont.

NOTES ON THE AGES OF THE MINORS USED IN THE COMPLIANCE TESTS

When the DLL began conducting tobacco compliance tests in 1997, the age of the minors ranged from 14 to 17, with most minors being 15 or 16.

7 V.S.A. §1007 (b)(1) currently directs the DLL to carry out “...compliance tests of tobacco licensees as frequently and as comprehensively as necessary to ensure consistent statewide compliance with the prohibition on sales to persons under 21 years of age of at least 90 percent for buyers who are between 17 and 20 years of age.

Most minors used in the DLL’s first chewing tobacco underage compliance testing in November 1997, consisted of 15- and 16-year-olds. This was done so the chewing tobacco results could be compared with the cigarette tests without the distortion in comparative results that might occur if only 17-year-olds were used. During a recent legislative session, 7 V.S.A 1007(b)(1) was amended, and the age of minors used for the purposes of compliance checks is now between 17 and 20 years of age.

2025 TOBACCO COMPLIANCE DATA

The tobacco compliance tests were conducted from January 2025 through December 2025, during which time 679 licensees were tested. Of the 679 licensees tested, 59 licensees or 9.51% sold to a minor while 620 or 90.49% did not sell. The results were further analyzed revealing how many sellers asked the minor for an ID and how many did not, and what kind of seller training the responsible clerk received (following page).

Tobacco Compliance Test - Calendar Year 2025 679 Licensees Sampled

	Total Establishments	Percentage Rate
Licensees Selling Tobacco to youth	59	9.51%
Licensees Not Selling Tobacco to Youth	620	90.49%
Total Tested	679	

Of the tobacco licensees who sold tobacco products to the minors working with DLL Investigators, **32 asked** for valid photo identification which was provided, yet they still made the sale to the minor. **27 did not ask** for any type of identification and made the sale to the minor

	Total Establishments	Percentage Rate
Asked for ID	32	54.23%
Did Not Ask for ID	27	45.76%
Total:	59	100%

SELLER EDUCATION

Since June 21, 2002, the Department of Liquor and Lottery (DLL) Office of Education has provided all entities engaged in the sale of tobacco products, tobacco substitutes, and tobacco paraphernalia with the statutorily required opportunity to train employees in the responsible sale of these products. Over time, the Office of Education has consistently observed a strong correlation between well-trained licensees and their staff and increased success during statewide compliance checks.

The Department views comprehensive education as an essential component of an effective compliance strategy. As part of DLL's broader Alcohol Server/Seller education initiatives, the Office of Education delivers tobacco-related training through multiple platforms designed to maximize accessibility and reach. These efforts include in-person statewide seminars, virtual instructor-led courses, and a self-paced online learning module. Tobacco law education is intentionally integrated into the overall Alcohol Server/Seller curriculum to reinforce responsible retail practices across all age-restricted products.

In addition to training, DLL provides educational resources to support licensees in day-to-day operations. This includes required signage outlining the laws governing the sale of tobacco products pursuant to 7 V.S.A. Chapter 40, along with color-coded age calculation stickers and posters designed to assist clerks in quickly determining customer eligibility based on date of birth. DLL recommends that these materials be prominently displayed at or near points of sale to enhance compliance outcomes.

To further support staff in verifying identification, the Department provides retailers with access to an industry-recognized digital ID reference resource, the ID Checking Guide, which offers current examples and authentication features of driver's licenses and identification cards nationwide. Retailers are directed to this online tool at: <https://www.driverslicenseguide.com/id-checking-guide.html>. This modernized approach ensures clerks have up-to-date and reliable information when evaluating identification for age-restricted sales. Collectively, these training and resource initiatives demonstrate DLL's continued commitment to an education-first compliance approach, equipping licensees with the knowledge and support necessary to uphold Vermont's youth access prevention laws and promote responsible retail practices statewide.

TOBACCO COMPLIANCE PROCEDURES

1. Written parental permission must be obtained for the compliance minor if he or she is a student or resides with parents, unless the cooperating individual is at least 18 years of age or is an emancipated minor, then parental consent is not required.
2. All employed minors will be between 17 and 20 years of age. Minors shall be removed from the compliance program NLT 30 days prior to their 21st birthday.
3. Copy of participating minor's birth certificate and photograph for file.
4. Candidates must exhibit a young adult appearance. Male candidates must not have any visible facial hair. Females must not display excessive make-up.
5. Participating minor will be supervised at all times by a DLL Investigator. DLL Investigators may enter the establishment shortly after the minor enters.
6. Participating minor will be given the money for the attempted purchase via a non-branded state issued credit card.
7. The participating minor confirms that he or she does not have any tobacco products on his or her person when entering the store.
8. Participating minor will be instructed not to misrepresent their age or pressure clerk to sell tobacco products.
9. Participating minor will present valid photographic identification if asked when attempting to purchase tobacco products.
10. If asked about his/her age, the minor will admit their correct age.
11. Upon entering the tobacco selling establishment the minor will attempt to observe the clerk selling the tobacco products to obtain a good description.
12. After the purchase attempt, the minor will exit with or without the tobacco products.
13. If tobacco products are purchased, the products are immediately handed over to the assigned investigator.
14. Payment will be delivered to the participating minor on state paydays per the DHR pay period schedule.
15. The minor information sheet for each participating minor will need to be submitted to the executive assistant in order for the payment to be remitted.
16. The participating minor understands that he/she must maintain confidentiality regarding the Department of Liquor and Lottery's procedures and involvement with the compliance program in the State of Vermont.

I, _____, acknowledge that I have read and have had these
procedures

Explained to me by Investigator _____ and that I understand them.

Signature

Date

TOBACCO COMPLIANCE VIOLATION PENALTY SCHEDULE

Administrative Compliance penalty schedule for tobacco licensees, for failing a State conducted "compliance check" as imposed by the Board of Liquor and Lottery.

1 st Offense	Warning
2 nd Offense	\$100 Administrative Penalty
3 rd Offense	\$250 Administrative Penalty
4 th Offense	\$500 Administrative Penalty
5 th Offense	\$750 Administrative Penalty
6 th Offense	Mandatory Hearing

Note: The Licensee may appeal to the Liquor Control Board ("Board") at any time for a hearing on the merits, at which time, if the Board determines that a violation has occurred, it will impose such penalty as in its discretion it deems appropriate. The Board will also take into account any mitigating circumstances such as the licensee's history of compliance.

Any violation by a tobacco licensee (7 V.S.A. 1007(b)(2)) after a first sale violation or during a compliance test conducted within six months of a previous violation shall be considered a multiple violation and shall result in the minimum license suspension in addition to any other penalties available under this title. Minimum license suspensions for multiple violations shall be assessed as follows: Two violations- Two weekday, Three violations- 15 Day Suspension, Four violations- 90 Day Suspension, Five violations- 1 Year Suspension. See table below:

1st Offense:	Warning
2nd Offense:	Two Weekday Suspension
3rd Offense	15 Day Suspension
4th Offense:	90 Day Suspension
5th Offense:	1 Year Suspension