



Rules of
Department of Public Safety
Division 70—Division of Alcohol and Tobacco Control
Chapter 3—Tobacco Regulations

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**
**Division 70—Division of Alcohol and
Tobacco Control**
Chapter 3—Tobacco Regulations

**11 CSR 70-3.010 Retailer Employee Tobacco
Training Criteria**

PURPOSE: This rule establishes training criteria for retailers and employees selling tobacco products.

(1) Minimum retailer employee tobacco training, as referenced in section 407.931.6, RSMo, is not to exceed a total of ninety (90) minutes in length and covers the following criteria:

(A) State laws set out in sections 407.926, RSMo, et seq.;

(B) Federal regulations pertaining to retail sales of tobacco products, alternative nicotine products, or vapor products, set out in 21 CFR 1140.1 et seq.;

(C) What constitutes a valid identification as set out in section 407.929.2, RSMo;

(D) How to determine the validity of an identification and to detect fake, invalid and/or altered identifications; and

(E) The refusal and denial of the sale of tobacco products, alternative nicotine products, or vapor products to a minor or to someone without proper identification.

(2) An owner of an establishment where tobacco products, alternative nicotine products, or vapor products are available for sale may claim the exemption of section 407.931.6, RSMo if said owner had in place an in-house or other tobacco compliance employee training program meeting the criteria in section (1) above, and the training was attended by all employees who sell tobacco products, alternative nicotine products, or vapor products to the general public.

(3) Each employee attending the training is to sign and date a certification upon completion of the training stating that the employee has been trained and understands the state laws and federal regulations regarding the sale of tobacco products, alternative nicotine products, or vapor products. This certification is to be presented to the supervisor of Alcohol and Tobacco Control upon request.

AUTHORITY: section 407.931.6(3), RSMo 2016. Original rule filed Sept. 27, 2001, effective March 30, 2002. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 407.931, RSMo 1992, amended 2001, 2014.*

11 CSR 70-3.020 Use of Minors in Enforcement

PURPOSE: This rule establishes guidelines for the use of minors by a state, county, municipal, or other local law enforcement authority pursuant to section 407.934, RSMo.

(1) The Supervisor of the Division of Alcohol and Tobacco Control (the “supervisor” and the “division”) adopts the standards set forth in subsection 5 of section 407.934, RSMo (the “statute”), as mandatory guidelines for the use of minors in investigations of violations of Chapter 407 by a state, county, municipal, or other local law enforcement agency (“agency” or “authority”), which shall be followed by such authority. Agencies are also to adhere to the following guidelines:

(A) The agency shall search the minor prior to an investigation to ensure that the minor is not in possession of—

1. Any identification showing an incorrect date of birth for the minor; or

2. Any tobacco, alternative nicotine, or vapor product;

(B) The agency shall, in advance of an investigation, train the minor who will be used in the operation. At a minimum, this training shall include instruction on the standards set forth in the statute and this rule; and

(C) A color photograph that clearly identifies the minor when printed or displayed at a size of three inches (3") by three inches (3") or larger shall satisfy any requirement for a photograph contained in the statute.

(2) Blank copies of the current editions of forms approved by the supervisor pursuant to the statute and this rule shall be made available on the division’s website.

(3) All references to statutes in this section include any successor statute.

AUTHORITY: section 407.934.5, RSMo 2016. Original rule filed on Sept. 27, 2001, effective March 30, 2002. Rescinded: Filed July 9, 2018, effective Jan. 30, 2019. Proposed rule filed Aug. 14, 2020, effective March 30, 2021.*

**Original authority: 407.934, RSMo 2001, amended 2014.*