

Conducting Local Age-Verification Compliance Checks

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Introduction

Why do Compliance Checks Matter?

Age-verification compliance checks are an important tool to prevent illegal sales of commercial tobacco and cannabis to underage youth. They also help evaluate the effectiveness of laws and policies, promote compliance, and provide guidance for future enforcement and policymaking (1).

Importantly, compliance checks put the onus of responsibility for protecting underage youth from the harms of commercial tobacco and cannabis on local systems, rather than on individuals, or on the youth themselves. If a compliance violation is found, any penalty should be directed at the retailer (1). Research finds that penalizing youth for the purchase, use, or possession of tobacco products is an ineffective way to reduce tobacco use, and can exacerbate existing biases and inequities (2). Instead, focusing enforcement of commercial tobacco and cannabis laws toward retailers shifts the burden of responsibility for protecting youth on local systems (1). Selling these products is a privilege and with it comes responsibility.

Differentiating between the different types of compliance checks that occur

This toolkit covers guidelines for state-mandated age-verification compliance checks of retailers licensed to sell **commercial tobacco, cannabis, and low-potency hemp edible (LPHE)** products in Minnesota. In Minnesota, commercial tobacco, cannabis, and LPHE products cannot be sold to individuals under the age of 21 ([Minn. Stat. § 609.685](#), [Minn. Stat. § 342.27](#)).

Defining commercial tobacco, cannabis, and low-potency hemp edibles

“Commercial tobacco” refers to products sold and manufactured by the tobacco industry for profit. Commercial tobacco is different from sacred, medicinal, and traditional uses of tobacco by Indigenous groups. Commercial tobacco products require a license to sell and include cigarettes, loose tobacco, smokeless tobacco, cigars, blunt wraps, shisha, e-cigarettes, e-juice, nicotine products, and tobacco related devices.

“Cannabis” refers to cannabis products available for retail sale, including cannabis flower, oil, concentrate, edible products that are derived from the cannabis plant. The definition of “cannabis” in this toolkit does not include any artificially derived cannabinoids. Cannabis products can only be sold in licensed dispensaries that are permitted to sell specific products (ex. Alcohol cannot be sold in cannabis dispensaries) [Minn. Stat. § 342.27 Subd. 3](#).

“Low-potency hemp edibles (LPHE)” refer to an edible product available for retail sale that contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients. According to Minnesota law, LPHEs can contain no more than 0.3% of hemp-derived THC, the ingredient that produces intoxicating effects, and may contain up to 5 milligrams (mg) of THC per serving and have a maximum of 50 mg of THC per package. Beverages can have up to a maximum of 10 mg of THC per container. (3)

What does Minnesota State Law say about compliance checks?

This guide will review Minnesota State Law, consult your local ordinance for additional information about penalties and enforcement. The information contained in this document is *not* legal advice, and specific questions about state and local law should be directed to an attorney.

Minnesota State Law says that **unannounced** age-verification compliance checks for all retailers licensed to sell commercial tobacco, cannabis, or LPHE must **occur once per year**. Checks must occur **under the supervision of a local unit of government** (the licensing authority), and **involve an underage purchaser between 17-20 years of age**. Retailers who fail these age-verification compliance checks should be assessed a penalty in accordance with local and state law(s). The local unit of government that conducts compliance checks could be the police department, sheriff's department, or public health department of the licensing authority. ([Minn. Stat. § 461.12](#), [Minn. Stat. § 342.22](#)).

Cannabis and LPHE are newly available for legal sale and regulation in Minnesota, but commercial tobacco has been sold in Minnesota for a long time. Many lessons learned from the regulation and sale of commercial tobacco products can be applied to cannabis.

In addition to state-mandated age-verification checks conducted by local licensing authorities each year, several other entities conduct compliance checks of commercial tobacco retailers:

- **Synar Program through the Substance Abuse and Mental Health Services Administration (SAMHSA):** conducted on a representative sample of tobacco retailers each year. These checks are for information gathering only and do not involve penalties for retailers.
- **Food and Drug Administration (FDA) Tobacco Retail Compliance Inspections:** conducted on all tobacco retailers annually. These checks are not communicated to local licensing authorities, but data is publicly available at fda.gov. Retailers receive a warning letter after the first violation and civil penalties after each subsequent violation.
- **Congratulate & Educate Program through the MN Department of Human Services:** The MN Department of Human Services provides an additional round of local educational compliance checks for municipalities that opt to participate. These checks are for education only, so penalties are not a component.

>>> Learn more about various types of [commercial tobacco compliance checks here](#).

Conducting Compliance Checks: Step-by-Step

Preparing to Conduct Compliance Checks

Recruiting

- Recruit youth.** Plan to schedule two youth at a time to help with each round of compliance checks, or have a trusted adult/volunteer accompany you, to help youth feel more comfortable.

Youth organizations, youth groups, school staff, high school science or health education classes, high school sports teams, scout groups, county extension offices, and religious organizations are good places to recruit from.

- Make a plan for how you can compensate youth**

Compensation could be in the form of check, gift card, or service hours. Best practice is \$20 per hour.

Logistics

- Request a list of licensed retailers from the licensing authority.**
- Find out what protocol for purchased products/evidence your licensing authority follows.** If illegal sale of cannabis or commercial tobacco occurs during compliance checks, does the licensing authority want you to keep the product? Or can you photograph the product and the receipt, then return it? Different licensing authorities handle this in different ways.
- Familiarize yourself with the list of retailers.** Find out what products each retailer might sell or not sell. For example, a bar licensed to sell LPHE would likely sell THC drinks but may not have THC gummies for sale.
- Schedule dates for compliance checks,** and share those dates with the licensing authority/law enforcement.

Coordinating dates with the licensing authority is important so they can coordinate with any other compliance checks or activities that may be occurring. Plan for sessions to last a maximum of 3-4 hours to accommodate youth engagement and optimal participation.

- Map out routes and travel times**

- Review your local ordinance and state law** to make yourself aware of all applicable penalties and sales restrictions in the jurisdiction where checks are taking place. Refer to the “**Enforcement and Penalties**” section of this guide for more information.

Training

- Schedule about 30 extra minutes with each youth compliance checker** to orient them, and get their documentation on the day they conduct compliance checks for the first time.

Training Checklist

- Instruct the compliance checker to wear ordinary, everyday attire**, such as school-appropriate clothing, on the day of the check. They should not wear any clothing that has their high school or sports/club/activity branding on it. They should wear comfortable clothing and footwear so they can walk short distances if they are not dropped off right next to the door of each retail establishment.
- Instruct the compliance checker not to discuss compliance checks with friends** or tell people they are participating in them. Compliance checks should be unannounced.
- Collect a consent form.** If the student is under 18 years of age, their parents need to sign their consent form. Also get emergency contact information for each compliance checker [\[sample\]](#)
- Walk through protocol of the compliance check (see “**Conducting the Compliance Check**” below)
- The compliance checker should choose a product and brand name to ask for prior to conducting the check [sample products: [LPHE/cannabis](#), [tobacco](#)]. It is a good idea to have a first and second choice in case the first item is not available for sale.
- Make sure youth compliance checkers **are aware**:
 1. They should **not attempt to disguise their age**.
 2. They should **tell the truth at all times**.
 - If asked for their date of birth, they will provide their actual date of birth.
 - If requested, they will present their actual ID or driver’s license.
 3. They are **free to exit the situation at any time** for any reason if they feel uncomfortable or unsafe.
 4. If they **recognize anyone while conducting the check, they should leave immediately**.

Supplies checklist

- Compliance check data collection form, if applicable [[OCM Cannabis and Hemp Age Compliance Form](#)]
- List of retailers to be checked
- Cash for purchases
- Map/route
- Copy of local ordinances and state law
- Ziploc bags, if applicable
- Sticky labels, if applicable
- Pens
- Consent forms and emergency contact information
- Contact information for licensing authority (county/city)

Conducting the compliance check

- Use an unmarked and unbranded vehicle**
- When you arrive at each retail establishment, survey the retail location.**

Find a place to park that isn't too close to the main entrance, or out of direct sight of the clerk.

- Note the time the compliance check takes:** record the time when the compliance checker enters and leaves the store.
- The compliance checker should select a product** to attempt to purchase prior to entering the store [sample products: [LPHE/cannabis](#), [tobacco](#)].

In the retail establishment

- The compliance checker should make a mental note of:**
 - The name and appearance of the clerk and employees they interact with
 - How their ID is checked
 - Whether signage is posted in or outside the store about the 21 year old sales age.
- The compliance checker should attempt to purchase the product.**
- The compliance checker should not attempt to disguise their age.**
 - They should **tell the truth at all times.**
 - If asked for their date of birth, they will provide their actual date of birth.
 - If requested, they will present their actual ID or driver's license.
 - If asked who the product is for they should say "it is for me".

- After the attempted sale, the compliance checker should return to the adult supervisor to debrief.
- If at *any time*, the compliance checker feels uncomfortable or unsafe, or if they recognize anyone, **they should exit the situation immediately.**

When the compliance checker returns to the vehicle

- Debrief the experience with the student.** Make notes about:
 - Whether or not an illegal sale occurred.
 - How the ID was checked (was it checked visually? swiped? copied?)
 - Whether any signage was observed in or outside the store about “no under 21 sales”
 - Any significant interactions the compliance checker had with an employee (ex. In the case of a dispensary, were they escorted around the store? Were any significant comments made by employees to the student during their time conducting the check?)
- If applicable, complete the data collection form with the student.** [[OCM Cannabis and Hemp Age Compliance Form](#)]

If an illegal sale was made:

- Ask the student for a description of the clerk
- Include any significant comments made by the clerk to the student
- Record what was spent on any product purchase. Save the receipt.
- The adult should take possession of the product, receipt, and change from the purchase. Depending on protocol for your licensing authority, **EITHER**:
 - Label the product with the location, date, time and officer ID or adult’s initials, seal in a ziploc bag, **OR**
 - Take a photo of the product and receipt. Record the location, date, and time the product was sold, if it is not listed on the receipt. The adult can then go back into the store and return the product.
- Enter the establishment *without the student* and inform the clerk that an illegal sale was made. There is no reason that the student should need to return to the store after the compliance check is complete.
- Request to speak to the store manager or owner
- Request the full name and address of the clerk
- Inform them of penalties against the licensee (and clerk if applicable) according to local and state law. Refer to the **“Enforcement and Penalties”** section for more information.

- Inform them of the penalty process and what to expect according to local and state law. Refer to the **“Enforcement and Penalties”** section for more information.

After the compliance check

- Collect leftover cash from the student**
- Review data collection forms** (if applicable)
- Store any purchased products in a secure location**, or return them to the store after all relevant information about the purchase has been recorded.

Reporting and follow-up

- Compensate the student**
- Communicate the results of who passed and failed the compliance checks to the licensing authority.** It is also a good idea to also communicate the results of compliance checks with local decision makers. [[sample](#)]

For retailers where no sale occurred:

- Send a commendation letter to the retailer** [sample: [tobacco](#), [cannabis/LPHE](#)]. It is a good idea to include a reminder for all retailers of free educational opportunities that are available about local and state law(s) regarding commercial tobacco and cannabis (ex. [stopsalestominors.org](#))

For retailers where an illegal sale occurred:

- Send a violation letter to the retailer** [sample: [tobacco](#), [cannabis/LPHE](#)]. For cannabis and LPHE violations, OCM states notification should happen within 5 days via certified mail (4). It is a good idea to include a reminder for all retailers of free educational opportunities that are available about local and state law(s) regarding commercial tobacco and cannabis (ex. [stopsalestominors.org](#))
- For commercial tobacco violations: follow the outlined penalty structure for selling products to a minor in your local ordinance and state statute**, such as a fine, and additional checks. Refer to the **“Enforcement and Penalties”** section for more information.
 - **NOTE: If a tobacco license is suspended or revoked, the Department of Revenue should be notified within 30 days.**

- **For cannabis violations:** submit a complaint through the [OCM website](#) (5). Follow the outlined penalty structure for cannabis violations in state statute and your local ordinance. Refer to the “**Enforcement and Penalties**” section for more information.
 - **NOTE: For illegal cannabis sales that occurred at an establishment that is also licensed to sell tobacco, be aware that if convicted, that retailer must have their tobacco license revoked for at least 7 days:**

Per Minn. Stat. § [461.12, subd. 2a](#), a retailer licensed to sell tobacco who is convicted of any violation on their premises of a cannabis-related statute must have their tobacco license suspended for at least 7 days, and they may have their tobacco license revoked.

Enforcement and Penalties

The process for enforcement and penalties for underage sale of commercial tobacco and cannabis is outlined in Minnesota State Law, but local licensing authorities may also have additional guidelines in place. When you are preparing to conduct compliance checks, reference both state and local law related to penalties and enforcement for violations. **This guide will review Minnesota State Law, consult your local ordinance for additional information about penalties and enforcement.**

Enforcement and penalty structures for the underage sale of commercial tobacco and cannabis are different in several key ways:

- **Underage commercial tobacco sales violations have a specific penalty structure outlined in state law ([Minn. Stat. § 461.12, Subd. 2](#)) and at the local level.** When underage sales occur, the local licensing authority can follow this penalty structure directly to penalize retailers for any violations that occur.
- **For cannabis and LPHE, state statute describes general rules for enforcement that apply to violations related to cannabis and LPHE sales, including, but not limited to underage sales ([Minn. Stat. § 342.22, Subd 4](#), [Minn. Stat. § 342.22, Subd 5](#)).** A retailer's cannabis license can be suspended by the local licensing authority for up to 30 days for violations that occur. Additionally, the Office of Cannabis Management (OCM) must be notified of any violations that occur among retailers licensed to sell cannabis and LPHE, and has the authority to review them ([Minn. Stat. § 342.22, Subd 5](#)).

There is also some crossover for retailers who are licensed to sell *BOTH* commercial tobacco and cannabis products. **For illegal cannabis sales that occurred at an establishment that is also licensed to sell tobacco, be aware that if convicted, that retailer must have their tobacco license revoked for at least 7 days.** Per [Minn. Stat. § 461.12, Subd. 2a](#), a retailer licensed to sell tobacco who is convicted of any violation on their premises of a cannabis-related statute must have their tobacco license suspended for at least 7 days, and they may have their tobacco license revoked.

State statute and local ordinances related to the underage sale of commercial tobacco, cannabis, and LPHE may include penalties for the retailer or the clerk who sold the tobacco product. The underage individual who attempts to purchase the product should *not* be penalized. Research finds that penalizing youth for the purchase, use, or possession of tobacco products is an ineffective way to reduce tobacco use, and can exacerbate existing biases and inequities (2). Similarly, any penalties should be directed at the retailer, as opposed to the clerk, whenever possible. Employers are responsible for the conduct of their employees and have substantially more resources than individual employees (1). As a reminder, **this guide reviews Minnesota State Law, consult your local ordinance for additional information about penalties and enforcement.**

Resources

Budgeting for Compliance Checks

The cost of conducting compliance checks should be covered by the annual licensing fee paid by retailers. Here are some guidelines and considerations to make as you budget for compliance checks:

- Staff time for recruiting youth
- Staff time for conducting compliance checks (estimate 30 min for training and orientation for each youth)
- Stipend for youth who conduct compliance checks: \$20 per hour is best practice (also estimate 30 min for training and orientation for each youth, could be in the form of a check, gift card, or service hours)
- Budget for product purchases (Estimate a 20% purchase rate for commercial tobacco products. The purchase rate for products in underage cannabis/lphe compliance checks hasn't been robustly studied, but may be much higher (6).)
- Mileage (estimate 3-25 miles per retailer)
- Staff time for follow-up activities (letters, reports) (estimate about 30 min - 2 hours per retailer)

Also refer to the **PHLC License Cost Calculator**, which is intended to help local municipalities determine what rate to set for tobacco licensing fees to cover the cost of enforcement.

<https://www.publichealthlawcenter.org/resources/tobacco-retail-licensing-calculator> (7)

Sample Consent Form

[Sample Consent Form for Participation in Age-Verification Compliance Checks](#)

Product Purchasing Examples

[Tobacco Products](#)

[Cannabis and Low-Potency Hemp Edible Products](#)

Data Collection Forms

[Cannabis and LPHE: OCM Cannabis and Hemp Age Compliance Form](#)

Sample Commendation Letters

[Sample Commercial Tobacco Retailer Commendation Letter](#)

[Sample Cannabis/LPHE Retailer Commendation Letter](#)

Sample Violation Letters

[Sample Commercial Tobacco Retailer Violation Letter](#)

[Sample Cannabis/LPHE Retailer Violation Letter](#)

Other Resources

- [Understanding Youth Commercial Tobacco Compliance Checks](#)
Source: Association for Nonsmokers - MN
- [Tobacco Retail Compliance Checks: A Review of Best Practices](#)
Source: Public Health Law Center
- [Likelihood of Illegal Cannabis Sales to Underage Buyers in Minnesota](#)
Source: University of Minnesota Cannabis Research Center
- [Lower-Potency Hemp Edibles & Cannabis: A Model Ordinance for Minnesota County Retailers](#)
Source: Public Health Law Center
- [Youth Purchase, Use, or Possession Penalties \(PUP\)](#)
Source: Public Health Law Center
- [OCM Enforcement Complaint Reporting Form](#)
Source: Office of Cannabis Management
- [OCM Model Guidelines on Age Verification Compliance Checks Policy and Procedures](#)
Source: Office of Cannabis Management
- [Minnesota Cannabis and Lower-Potency Hemp Edible Policy Toolkit](#)
Source: Public Health Law Center
- [This is Our Watch](#)
Source: U.S. Food and Drug Administration

Reference List

1. <https://www.publichealthlawcenter.org/sites/default/files/resources/Retail-Compliance-Checks-Best-Practices.pdf>
2. <https://www.publichealthlawcenter.org/sites/default/files/resources/Youth-Purchase-Us-e-Possession-Penalties.pdf>
3. <https://mn.gov/ocm/consumers/lphe-products/>
4. https://mn.gov/ocm/assets/modelguidlines_tcm1202-653611.pdf
5. <https://redcap.cannabis.web.health.state.mn.us/redcap/surveys/?s=EWTPW34WAW8NHPY>
6. <https://www.sph.umn.edu/sph/wp-content/uploads/2025/02/crc-pseudo-underage-purchase-attempts.pdf>
7. <https://www.publichealthlawcenter.org/resources/tobacco-retail-licensing-calculator>



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