

Tobacco sales to minors laws and staff training

Factsheet - September 2025

OFFICIAL

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What are the laws about selling tobacco products to a person under 18?

Selling tobacco products, including cigarettes, cigars or loose tobacco, to any person under 18 is illegal. This includes the sale of tobacco products from vending machines to a person under 18. See the 'Tobacco product vending machines factsheet' for more information.

Who is responsible when tobacco products are sold to a person under 18?

The employee (primary offender) who sold the tobacco product is responsible.

The manager or employer of the employee who sold the tobacco product may also be held responsible.

What happens if tobacco products are sold to a person under 18?

An individual (natural person) may receive an on-the-spot fine of twelve (12) penalty units. If found guilty of an offence in court, an individual may be fined up to 120 penalty units.

A company (body corporate) may receive an on-the-spot fine of 60 penalty units. If found guilty of an offence in court, a company may be fined as much as 600 penalty units.

The value of a penalty unit changes each year. For the current value of a penalty unit, visit the [Department of Treasury and Finance website](https://www.dtf.vic.gov.au/indexation-fees-and-penalties) <www.dtf.vic.gov.au/indexation-fees-and-penalties>.

Who should I ask for identification (ID)?

It's not always easy to tell how old a person is. It's a good idea to ask for identification from any person who may be under 25.

What are acceptable forms of identification (ID)?

Only identification that provides photographic proof of age is acceptable. For example:

- a Victorian or interstate proof-of-age card
- a Victorian or interstate driver's licence (includes **digital** driver's licence)
- an Australian or international passport
- a Keypass (includes **digital** Keypass)
- a Victorian or interstate learner's permit.

How can I tell if a customer is over 18 so I can be sure I can legally sell them a tobacco product?

Using an acceptable form of ID these charts will help you to work out how old a person is:

Calculating if a person is under 18 – 2025*

Year of birth	Can I sell tobacco?
Before 2007	Yes
2007	CHECK DAY AND MONTH OF BIRTH: <ul style="list-style-type: none"> if date is on or before purchase date, customer is 18 — YES if date is after purchase date, customer is not 18 NO — REFUSE SALE
After 2007	NO — REFUSE SALE

Calculating if a person is under 18 – 2026*

Year of birth	Can I sell tobacco?
Before 2008	Yes
2008	CHECK DAY AND MONTH OF BIRTH: <ul style="list-style-type: none"> if date is on or before purchase date, customer is 18 — YES if date is after purchase date, customer is not 18 NO — REFUSE SALE
After 2008	NO — REFUSE SALE

*These tables only apply in 2025 and 2026.

I am a manager. What should I do to make sure I am not held responsible for employees selling tobacco products to a person under 18?

Managers are responsible for ensuring that anyone allowed to sell tobacco products does so responsibly and in accordance with the law. You can be fined if an employee sells tobacco products to a person under 18 (see page 1 of this factsheet, 'Who is responsible when tobacco products are sold to a person under 18?').

You may be able to avoid a fine by training every employee every six months. The training must cover each of these things:

- That employees must not sell tobacco products to persons under 18 for any reason.
- That employees must ask for and see identification (ID) before selling a tobacco product to a person who might be under 18.
- That if employees sell tobacco products to a person under 18, they are committing an offence and may be fined.

Managers must have written confirmation from employees that they have received this training. There is a *Staff training checklist* on page 4 of this factsheet, and a *Training acknowledgment form* on page 5, which you can use when training staff.

Penalties for breaches of laws relating to the sale of tobacco to minors U18

Breach of tobacco law	Infringement notice		Maximum penalties – Magistrates Court	
	Natural person	Body corporate	Natural person	Body corporate
Manager/proprietor whose staff or agent sells tobacco to a minor	12 penalty units	60 penalty units	120 penalty units	600 penalty units
Person who sells tobacco to a minor	12 penalty units	60 penalty units	120 penalty units	600 penalty units
Occupier of a premises (on which a vending machine is situated) who permits a person under the age of 18 years obtain a tobacco product	3 penalty units	30 penalty units	60 penalty units	300 penalty units
Failure to display U18 sign	2 penalty units	5 penalty units	10 penalty units	50 penalty units

One penalty unit in 2025-26 is \$203.51. The value of a penalty unit changes each year. For the current value of a penalty unit, visit the [Department of Treasury and Finance website](http://www.dtf.vic.gov.au/indexation-fees-and-penalties) <www.dtf.vic.gov.au/indexation-fees-and-penalties>.

To receive this document in another format email tobacco.policy@health.vic.gov.au.

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Staff training checklist

Training should be completed every **six months**. Once training has been completed, you should ask each member of staff to sign a *Training acknowledgement form*, which can be found on the next page.

Training must cover the following topics

- ☐ Inform that it is illegal to sell tobacco to a person under 18, under any circumstances, even if the tobacco products are for, or claimed to be for, a person over 18.
- ☐ Inform that they should sight an acceptable form of identification (photo ID) for a person before selling a tobacco product to the person.
- ☐ Inform of examples of acceptable forms of identification (photo ID):
 - Victorian or interstate proof of age card
 - Victorian or interstate driver's licence (including **digital** driver's licence)
 - A Victorian or interstate learner's permit
 - Keypass (including **digital** Keypass)
 - Australian or foreign passport
- ☐ Inform that it is illegal to sell cigarettes in a package containing less than 20 cigarettes.
- ☐ Inform of the penalties for selling tobacco to a person under 18.
- ☐ Warn if they sell tobacco products to a person under 18 in disregard of the instructions mentioned above, they are committing an offence against the *Tobacco Act 1987*.

Training acknowledgement form

You should only sign this form once you understand the instructions in the Staff Training Checklist and the warning set out below. If you have any questions about the instructions, ask your employer before signing this form. If you are unsure whether or not to sign this form, email tobacco inbox tobacco.policy@health.vic.gov.au.

Date

Name

I was instructed:

- Not to sell tobacco products to a person under 18 in any circumstances, even if the tobacco products are for, or claimed to be for, a person over 18 years; and
- To sight an acceptable form of identification (photo ID) for a person before selling a tobacco product to the person; and
- I have been warned that, having received the above two instructions, if I disregard these instructions and sell tobacco products to a person under 18, I commit an offence under the *Tobacco Act 1987*.

Date

Signature

Manager/ Proprietor name and position

Date

Manager/Proprietor signature