

Enforcement and Survey Programs Fact Sheet

This fact sheet describes youth involvement in enforcement and survey programs to prevent illegal tobacco sales to persons under 18 years of age.

- ◆ The Stop Tobacco Access to Kids Enforcement (STAKE) Act is a California law that prohibits tobacco sales to minors and requires that retailers check identification (ID) of persons trying to buy tobacco who appear under 18 years of age.
- ◆ The STAKE Act program can be divided into two parts. The first part is enforcement. Investigators from the California Department of Health Services, Food and Drug Branch (CDHS/FDB) accompany teens into stores, while the teens attempt to buy tobacco. Stores that sell to the teens are cited and fined.
- ◆ The second part of the STAKE Act is the statewide survey. The Behavioral Health Institute (BHI) at the California State University, San Bernardino conducts the survey. As with enforcement, teens enter stores and attempt to purchase tobacco. However, the survey is not an enforcement operation. Its purpose is to collect data, and retailers are not cited or fined for sales to teens that occur during the survey.
- ◆ The CDHS Tobacco Control Section has contracts with The American Lung Association of Central California to recruit 14- and 16-year-old teens to participate in enforcement and survey programs to prevent illegal tobacco sales to minors.
- ◆ Teen participation in enforcement and survey activities will be determined by FDB and BHI schedules. Participation generally will be after school, or possibly during vacation periods.
- ◆ Teen participants will be trained on buying procedures and avoidance of confrontations.
- ◆ Teens must obtain written permission from their parents or guardians before participating in the programs.
- ◆ Under the law, teens participating in these programs have full immunity from prosecution.
- ◆ Participating teens are required to carry a valid California Driver's License or a California ID Card.

- ◆ When in the field, teens will be supervised by FDB investigators during enforcement operations and by BHI staff during the statewide survey.
- ◆ FDB investigators, or BHI staff will transport teens to the various businesses and record information during the attempted purchase. All drivers are fully insured or otherwise covered by the State.
- ◆ Teens will receive incentives for participating in the program, regardless of whether a sale was made. Meals may be provided to teen participants.
- ◆ If tobacco products are sold to teens during enforcement operations, the accompanying peace officer will notify the seller after the teen has left the premises.
- ◆ Although unlikely, teens could be asked to testify at an administrative hearing if the seller appeals a fine.