

FOCUS ON CALIFORNIA TOBACCO PREVENTION EFFORTS: THE FEDERAL SYNAR AMENDMENT AND CALIFORNIA STAKE ACT

CALIFORNIA TOBACCO PREVENTION EFFORTS

"California's youth smoking rate is among the lowest in the nation. But we must do everything that we can to prevent young people from buying tobacco. We do not want our kids to take up this deadly addiction," Gov. Gray Davis, June 10, 2003

In June of 2003, Governor Gray Davis issued Executive Order D-68-03 to increase attention and collaboration by multiple state agencies who work with the tobacco retailer community. Although California is successful in reducing and preventing tobacco use, particularly among minors, the opposite is true of tobacco sales to youth.

Retailers continue to sell tobacco to minors at alarming rates. The current rate of noncompliance, (12.2% of all sales), represents approximately ten thousand retailers in California, and their persistence in selling tobacco to kids is unacceptable.

Executive Order D-68-03 will work to decrease smoking prevalence and reduce the sale of tobacco to minors.

FEDERAL LAW

In 1992, Congress passed the Synar Amendment (Section 1926 of the Public Health Service Act) requiring states to implement and enforce laws barring the distribution of tobacco products to minors. The legislation, named after its congressional sponsor Mike Synar, emphasizes consistent enforcement, monitoring compliance of retail outlet¹ compliance, and communication of results. It also requires states to maintain an illegal sales rate below 20%.

States that fail to comply with the Synar Amendment risk losing up to 40 percent of Federal block grant funds allocated for substance abuse prevention and treatment programs. This represents a potential \$100 million loss for California!

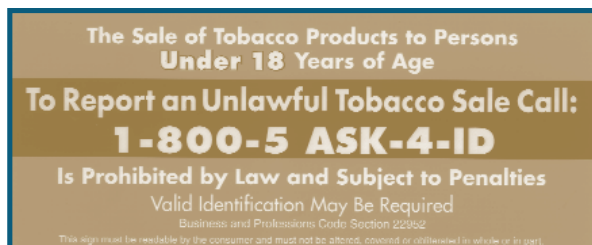


¹ Note that the 2010 national health objectives call for reducing the percentage of retailers willing to sell tobacco products to minors to 5% or less through enforcement of existing laws.

STAKE ACT

California Business and Professions Code § 22950 – 22963 constitutes the Stop Tobacco Access to Kids Enforcement (STAKE) Act, California's response to the Synar Amendment.² Enacted in 1994, the STAKE act:

- Prohibits the sale of any tobacco, tobacco preparation instrument or paraphernalia, or products prepared from tobacco to any person under the age of 18 years
- Nonadherence is punishable by penalties on clerks and merchants
- Requires ID checks of anyone appearing to be under the age of 18
- Requires age-of-sale sign posting with specified language at each point of sale (cash register)
- Prohibits any person engaged in the retail sale of tobacco products to sell, offer for sale, or display for sale cigarettes by self-service display (i.e., vending machine)
- Requires that cigarettes be sold in the original sealed and properly labeled package
- Prohibits the sale, distribution, or offer to sell any cigarette, except in a package containing at least 20 cigarettes



WHY IT IS IMPORTANT

Across California, tobacco use among youth is decreasing however; the negative health effects of youth who do smoke are substantial. Of those youth who try their first cigarette today, nearly one third of those will become daily smokers. Approximately 80% of adult smokers started tobacco use before age 18. Teens who smoke are three times more likely than non-smokers to use alcohol, eight times more likely to use marijuana, and twenty-two times more likely to use cocaine.

Adolescent experimentation with tobacco can lead to lifelong tobacco addiction and life-threatening smoking-related health problems. Smoking is even associated with adverse school-performance indicators in young people. One in three young people who begin smoking in adolescence will die from a smoking-related disease.

In California, the highest illegal sale rates are found in newly opened businesses and those not commonly associated with tobacco sales, such as discount stores, restaurants and donut shops.

2002 Illegal Tobacco Sales

| TYPE OF OUTLET | % Of illegal tobacco sales |
|----------------------------------|----------------------------|
| Deli/Meat/Produce Markets | 26.7% |
| "Other" Outlets | 19.9% |
| Supermarkets | 17.3% |
| Liquor Stores | 13.8% |
| Gas/Convenience Stores | 9.4% |
| Small Grocery/Convenience Stores | 3.8% |
| Statewide (n=724) | 12.2% |

*From: California's 2003 Youth Tobacco Purchase Survey

² The STAKE Act fulfills the federal mandates found in the Synar Amendment and is supported by California Penal Code Section 308 (a) and (b).

ENFORCEMENT

Research demonstrates that enforcement is the most effective method of achieving retailer compliance with youth tobacco access laws. Executive Order D-68-03 aims to strengthen current enforcement efforts by requiring the California Department of Health Services to “immediately pursue legislation to (1) increase the penalties for selling tobacco to minors, violating other tobacco retail laws, and for failure to post the...STAKE Act warning sign; and, (2) ensure local law enforcement has authority to enforce the STAKE Act in local communities”.



Certainly, local law enforcement resources are needed to provide both deterrence and compliance. One way to develop a resource base is to have local communities’ license tobacco retailers in the same way liquor stores are licensed to sale alcohol. Currently, only tobacco distributors and wholesalers are required to obtain tobacco licenses in California – not retailers. By bringing licensing to the retail level, licensing fees can then pay for enforcement and provide a strong incentive for retailers to ID young-looking customers. Retailers failing to comply with age of sale laws could lose their license and their adult trade as well.

WHAT CAN YOU DO TO HELP?

Retailers

- 1 Require prevention and ID verification training for all employees and periodically provide follow-up training(s).
- 2 Post STAKE Act Signage at each point of sale.

Community Members & Parents

- 1 Report underage tobacco sales. Call: 1-800-5-ASK-4-ID.
- 2 Write your local government representatives and newspapers requesting stronger youth access policies with strict and regular enforcement to prevent illegal tobacco sales to youth.
- 3 Support local youth-led prevention efforts.

Youth

- 1 Write your local government representatives and newspapers requesting stronger youth access policies with strict and regular enforcement to prevent illegal tobacco sales to youth.
- 2 Lead local prevention awareness campaigns!
- 3 Create Public Service Announcements (PSAs) for television and radio. View and show “The Crossfire Project” video for ideas! This youth-developed tobacco prevention video and guidebook are available from the California Attorney General’s Crime and Violence Prevention Center.

Local Government Representatives

- 1 Work on the development of tobacco retailer licensing and other policies.
- 2 Support prosecution of noncompliant businesses.

From: California Department of Health Services, 2003. “Mission: SOS”.



RESOURCES

<http://www.governor.ca.gov>

California Governor Gray Davis website. Link to the Press Room to view Executive Order D-68-03.

<http://www.dhs.ca.gov/tobacco/>

California Department of Health Services Tobacco Control Section

<http://www.safestate.org>

California Attorney General's Crime and Violence Prevention Center

http://www.adp.ca.gov/FactSheets/Tobacco_Sales_to_Minors_%28Synar_Amendment%29.pdf

California Department of Alcohol and Drug Programs

<http://www.dhs.ca.gov/fdb/HTML/STAKE/stakefrm.htm>

California Department of Health Services, Food & Drug Branch, Stop Tobacco Access to Kids Enforcement Act. Call 1-800-5-ASK-4-ID or (1-800-527-5443).

<http://www.dhs.ca.gov/fdb/PDF/IllegalSales.PDF>

Form to Report Illegal Sales

<http://slati.lungusa.org>

American Lung Association, State Legislated Actions on Tobacco Issues 2002

<http://prevention.samhsa.gov/tobacco/>

Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration (SAMHSA)

<http://www.gao.gov/new.items/d0274.pdf>

United States General Accounting Organization

HOW DO I GET ADDITIONAL INFO?

Check out our web site at:

www.emt.org/prevention.html

or



The EMT Group, Inc.

391 S. Lexington Drive, Suite 110
Folsom, CA 95630

Phone: **(916) 983-9506**

Fax: **(916) 983-5738**

Email: info@emt.org