

FOCUS ON CALIFORNIA TOBACCO PREVENTION

CALIFORNIA TOBACCO PREVENTION EFFORTS

SYNAR

"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. 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 sales, 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!



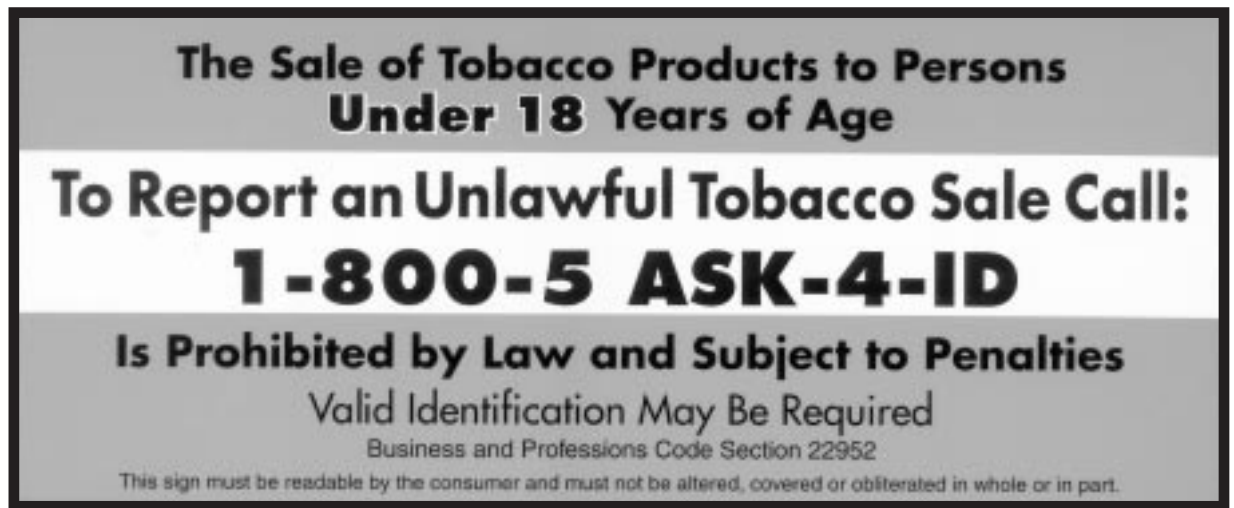
¹ Note that the 2010 national health objectives call for reducing the percentage of retailers willing to sell tobacco products to minors to 5% or less through enforcement of existing laws.

STAKE

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. Enacted in 1994, the STAKE act:

- Prohibits the sale of any tobacco, tobacco preparation instrument or
- 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.



paraphernalia, or products prepared from tobacco to any person under the age of 18 years.

- Nonadherence is punishable by penalties on 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 .

2002 Illegal Tobacco Sales

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

*From: California's 2003 Youth Tobacco Purchase Survey

WHY IT IS IMPORTANT

Across California, tobacco use among youth is decreasing; however, the negative health effects on youth who do smoke are substantial. Of those youth who try their first cigarette today, nearly one third 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.

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

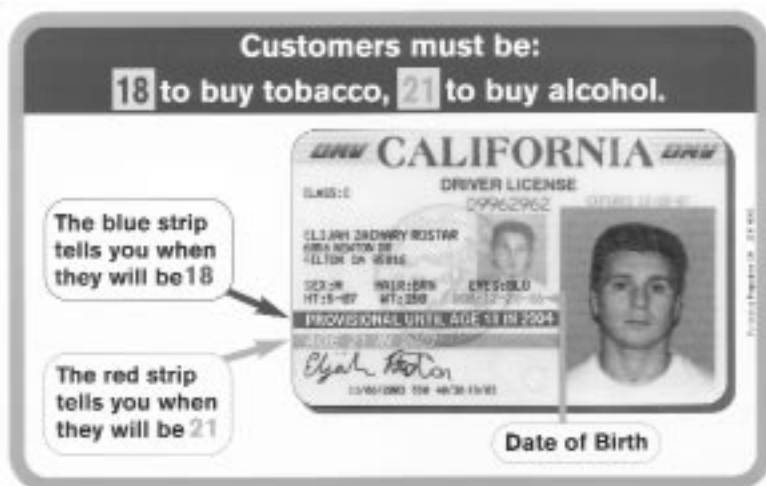
- 1 Write your local government representatives and newspapers requesting stronger youth access policies with strict and regular enforcement to prevent illegal tobacco sales to youth.
- 2 Lead local prevention awareness campaigns!
- 3 Create Public Service Announcements (PSAs) for television and radio. 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.
- 3 Increase enforcement activities.

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



COMMUNITY YOUTH TAKE CHARGE!

Youth Organizing in San Mateo (YO Mateo) combines the forces of the San Mateo Friday Night Live Partnership, the Youth Tobacco Coalition, and the Youth Leadership Institute to highlight and raise awareness to youth tobacco accessibility issues. Youth performed two surveys 1) a public opinion poll and 2) an attempted buy survey. The results of these surveys illustrated that while the community supports youth access laws, retailers are not 100 percent compliant with laws such as STAKE. But did YO Mateo stop there? NO! Youth took the survey results and made recommendations for change to the City of San Mateo Police Department, City Council, and Chamber of Commerce. YO Mateo took a tobacco access issue, organized, researched, and created solid policy recommendations to multiple community leaders to prevent further tobacco sales to minors.

*For more information, contact the Youth Leadership Institute, www.yli.org

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 sell alcohol. By bringing licensing to the local level, licensing fees can then pay for local enforcement and provide a strong incentive for retailers to ID young-looking customers. Retailers failing to comply with local age-of-sale laws could lose their license and their adult trade as well.

COMMUNITY YOUTH TAKE CHARGE!

Tobacco Industry Gets Hammered by Teens (TIGHT) consists of four regional youth organizing projects that train teams of youth in Contra Costa County to become activists against tobacco industry targeting of young people. These youth-staffed, youth-driven projects develop diverse local youth leadership in communities especially targeted by the tobacco industry. Youth coordinators and youth outreach workers train youth advocates in community outreach and organizing, and working with policy makers, community leaders, merchants and other adult decision-makers. As a result of TIGHT efforts, the Contra Costa County Board of Supervisors adopted most of the points of the Tobacco Free Youth Ordinance, which helps reduce the sale of tobacco to underage smokers and curbs advertising aimed at youth. This ordinance was conceived and drafted by TIGHT youth.

-By Bonnie Benard, reprinted from Tactics 2:3

RESOURCES:

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

California Governor 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

Technical Assistance

NEW for 2003!

Starting October 1, 2003, the following technical assistance resources will be available at **NO-COST!!!**

◆ Community Prevention Institute

A collaborative institute involving multiple state agencies will provide community prevention technical assistance and training throughout the state to any organization, school, or agency with prevention needs! Provides prevention workshops, as well as tailored TA services. Examples of issues/subjects addressed include introduction to AOD community prevention approaches; community-based and environmental prevention strategies; culturally relevant prevention services; community organizing; program development; strategic planning; resource development; program evaluation; and AOD prevention strategies for specific populations including women, youth and seniors

◆ Safe & Drug Free Schools & Communities Technical Assistance

Tailored technical assistance to ADP SDFSC grantees designed to assist programs in understanding and complying with the requirements of the No Child Left Behind Act and the Principles of Effectiveness. Technical assistance services include evaluation development, logic model development, program planning, and needs assessment guidance.

◆ Mentoring Technical Assistance & Training

Provides TA and training services to support and enhance community and school-based mentoring programs. Services are tailored to the needs of each group or organization. Examples of issues/subjects addressed include developing a mission statement, goals, and objectives; program staffing; program policies and procedures; budget and funding; recruitment strategies; screening; orientation and training; matching with mentees; mentor supervision, support and retention; defining intended program outcomes; developing an evaluation plan; and using a logic model.

To access all of these services please call: 916-983-9506 or visit our website at www.emt.org!

LET'S HEAR FROM YOU!

We welcome readers comments on topics presented.



Call us at
916.983.9506



fax us at
916.983.5738



or send an email to
cmkord@emt.org

preventionTactics

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The information or strategies highlighted in Prevention Tactics do not constitute an endorsement by DADP, nor are the ideas and opinions expressed herein those of DADP or its staff.

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