

# Point of Sale Practices/Illegal Sales to Minors

## Annotated Resource List



### California Tobacco Control Program

The Mission of the California Department of Public Health (CDPH), California Tobacco Control Program (CTCP) is to improve the health of all Californians by reducing illness and premature death attributable to the use of tobacco products. Through leadership and research, CTCP empowers statewide and local health agencies to promote health and quality of life by advocating social norms that create a tobacco-free environment.

<http://www.cdph.ca.gov/programs/Tobacco/Pages/default.aspx>

#### CDPH Web Site

CDPH created this web site to relay important public health information to the citizens of California <http://www.cdph.ca.gov/>. CDPH is dedicated to optimizing the health and well-being of the people in California.

#### STORE Campaign

The STORE Campaign takes a comprehensive approach to the retail environment by bringing pressure to bear upon the problem of both tobacco sales and marketing practices in a united campaign through the collective action of individual communities. <http://www.tcsstore.org/>

#### Tobacco Control Laws that Affect Retail Businesses

This easy-to-read brochure was revised in August 2008 and contains basic information on California tobacco control laws that affect the retail environment: sales of bidi cigarettes; requirements for tobacco packaging, sale of single cigarettes and roll-your-own tobacco; prohibition of free tobacco samples; prohibition of cigarette self-service displays; prohibition of tobacco sales to minors; retailer licensing, requirements for signs and storefront advertising; and tips for owners and managers on compliance issues. The brochure can be obtained from the Tobacco Education Clearinghouse of California sales catalog <http://www.tobaccofreecatalog.org/> or by calling 800-258-9090.

#### Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws

This training presentation is designed as a self-education tool for use by California tobacco retailers and their employees. Included in this PDF is an introductory letter to retailers, a presentation and a clerk quiz. CDPH is providing this training pursuant to Business & Professions (B&P) Code, Section 22974.8. <http://www.cdph.ca.gov/programs/Tobacco/Documents/CTCPRetailerYouthTobaccoLaw.pdf>

#### Tracking and Reporting Illegal Tobacco Sales to Minors: A How-to Guide for Projects Funded by the California Tobacco Control Program

CTCP and the Point of Sale Practices Workgroup strongly recommend that local jurisdictions become familiar with this optional tool, released in February 2008. The main purpose of the How-to Guide is to encourage local jurisdictions to track and report violations of sales to minor laws and local licensing ordinances to the California Attorney General's Office (AG) and the California Board of Equalization (BOE). Reporting locally adjudicated—or closed—cases to these agencies may stimulate further enforcement action against businesses in violation of sales to

minors laws. All local jurisdictions are urged to follow the recommended procedures for tracking and reporting to whatever extent possible.

<http://www.tcsstore.org/appendix/updated.html>

### **Senate Bill (SB) 624–Local Enforcement of the Stop Tobacco Access to Kids Enforcement (STAKE) Act**

Effective January 1, 2008, Senate Bill 624 amends Business and Professions Code 22950-22963 to allow local enforcement agencies and other state agencies to enforce the STAKE Act. The passage of SB 624 also raised penalties and established a fine structure within STAKE Act for retailers that do not post the required age-of-sale warning sign. <http://www.tcsstore.org/training/stake01.html>

### **Law Enforcement Roundtable: Best Practices for Tobacco Retailer Licensing Implementation**

CTCP and the Point of Sale Practices Workgroup are in the process of implementing a regional law enforcement roundtables project focused on the identification of best practices, challenges and possible solutions pertaining to local enforcement of illegal sales to minors laws, include local tobacco retailer licensing policies. The goal is to convene four regional roundtables in diverse areas of the state between 2008 and 2010. Individual roundtable outcome reports, roundtable guidance documents and planning tools will be disseminated via the STORE web site. The first two regional roundtables took place in Los Angeles County in September 2008 and Walnut Creek (Bay Area) in May 2009. <http://www.tcsstore.org/appendix/updated.html>



public health law & policy  
technical assistance legal center

### **The Technical Assistance Legal Center (TALC)**

TALC is a "one-stop" source on tobacco law and policy issues in California. TALC attorneys provide high-quality legal technical assistance free of charge for California advocates, health professionals, government attorneys, and elected officials.

<http://talc.phil.org/>

### **Model California Ordinance Requiring a Tobacco Retailer License (Updated June 2008)**

This retailer license model ordinance offers communities various options to use licensing to reduce youth access to tobacco and to limit the negative public health effects associated with tobacco use. [http://talc.phlaw.org/pdf\\_files/0018.pdf](http://talc.phlaw.org/pdf_files/0018.pdf)

### **Checklist for Model Licensing Ordinance**

The Checklist for the model licensing ordinance helps communities sort through the various policy options contained in the model ordinance and supplemental Plug-ins. [http://talc.phlaw.org/pdf\\_files/0082.pdf](http://talc.phlaw.org/pdf_files/0082.pdf)

### **Criminal Enforcement Roadmap**

This guide helps tobacco control advocates identify potential roadblocks and solutions/strategies to increase enforcement of an existing criminal tobacco control law. [http://talc.phlaw.org/pdf\\_files/0068.pdf](http://talc.phlaw.org/pdf_files/0068.pdf)

### **Administrative Enforcement Roadmap**

This guide helps tobacco control advocates identify potential roadblocks and solutions to administrative enforcement processes. In administrative enforcement, local or state government agencies (i.e., health department, city manager, etc.) are charged with determining if a tobacco control law has been violated and enforcing the law. [http://talc.phlaw.org/pdf\\_files/0064.pdf](http://talc.phlaw.org/pdf_files/0064.pdf)

### **Tobacco Laws Affecting California**

This booklet, recently updated this year, provides summaries of tobacco laws that affect California. It is designed as a resource for tobacco control advocates, government attorneys, local law enforcement agencies, and anyone who is working on tobacco control issues. [http://talc.phlaw.org/pdf\\_files/0007.pdf](http://talc.phlaw.org/pdf_files/0007.pdf)

### **Illegal Sales of Tobacco Comparison of Local and State Laws**

This chart is designed to help communities understand the drawbacks and advantages of PC 308, STAKE Act, local tobacco retailer licensing ordinances, and B&P Code section 17200. [http://talc.phlaw.org/pdf\\_files/0092.pdf](http://talc.phlaw.org/pdf_files/0092.pdf)

### **Licensing Implementation Case Studies**

This TALC booklet describes the experiences of four communities that have started enforcing local tobacco retailer licensing ordinances: Contra Costa County, Santa Barbara County and the City of Goleta, the City of Willits, and the City of Los Angeles. The report is designed for advocates in communities that are considering, passing, implementing, or enforcing local tobacco retailer licensing ordinances. [http://talc.phlaw.org/pdf\\_files/0077.pdf](http://talc.phlaw.org/pdf_files/0077.pdf)

### **California Penal Code (PC) 308(a) Enforcement Training**

Enforcement agencies that are or will be conducting PC, Section 308(a) compliance checks in their local jurisdictions are strongly encouraged to enroll in a free PC 308(a) Enforcement Training. POST credits available. PC 308(a) prohibits the selling, giving, or furnishing tobacco products or paraphernalia to a minor. Please contact Sergeant Kelly Gordon, Montebello Police Department, for more information: (323) 887-1256 or [kglawenf@aol.com](mailto:kglawenf@aol.com).

### **Enforcement of Penal Code 308(a)**

This training manual accompanies the PC 308(a) Enforcement Training and is a practical tool for law enforcement agencies to learn how to prepare for and conduct PC 308(a) compliance checks in their local jurisdictions. This manual includes guidelines regarding training youth decoys, conducting inspections, issuing citations and collecting evidence as well as resources to support local tobacco control law enforcement efforts.

[http://www.tcsstore.org/stages/6\\_implement/t\\_pc308\\_manual.pdf](http://www.tcsstore.org/stages/6_implement/t_pc308_manual.pdf)



## **The Center for Tobacco Policy & Organizing**

“The Center” serves as a state and local tobacco policy resource and provides technical assistance on achieving policy objectives using community organizing strategies. Resources offered by The Center include: Policy Briefs and Legislative Updates, educating legislators, campaign consultation and planning, facilitation of the Midwest Academy Strategy Chart, and local and regional trainings on such topics as assessing your political environment and coalition recruitment. Contact: (916) 554-5864. <http://www.center4tobaccopolicy.org/>

### **Tobacco Retailer Licensing Policy Adoption Matrix**

Many strong, local retailer licensing ordinances have passed in California recently. In this matrix, the Center highlights 53 ordinances in which the fee and enforcement provisions are particularly noteworthy.

<http://www.center4tobaccopolicy.org/files/files/Licensing%20Matrix%20June%202008.doc>

## **Licensing: Rural California Poll**

In March 2008, the Center commissioned a survey of rural and small town voters in California to determine their level of support for a local tobacco retailer license and to identify unique challenges to getting an ordinance adopted in rural communities. The survey results demonstrate strong support for a licensing ordinance.

<http://www.center4tobaccopolicy.org/polling-rural>

## **Licensing is Effective**

This fact sheet provides information the effectiveness of tobacco retail licensing in reducing sales to minors and highlights 13 California communities with particularly strong local tobacco retail licensing laws.

[http://www.center4tobaccopolicy.org/files/files/5377\\_Tobacco%20Retailer%20Licensing%20is%20Effective%20October%202007.pdf](http://www.center4tobaccopolicy.org/files/files/5377_Tobacco%20Retailer%20Licensing%20is%20Effective%20October%202007.pdf)

## **Becoming a Policy Wonk on Tobacco Retailer Licensing**

Communities working on tobacco retailer licensing campaigns will likely need to answer questions from opponents and elected officials about the effectiveness and necessity of strong local tobacco retailer licensing ordinances. Listed on this fact sheet are some common questions which have arisen in several local licensing campaigns. The suggested answers are meant to help effectively address opponents' arguments against a tobacco retailer licensing ordinance.

[http://www.center4tobaccopolicy.org/files/files/5610\\_Becoming\\_a\\_Policy\\_Wonk\\_on\\_Local\\_Tobacco\\_Retailer\\_Licensing.pdf](http://www.center4tobaccopolicy.org/files/files/5610_Becoming_a_Policy_Wonk_on_Local_Tobacco_Retailer_Licensing.pdf)

## **After Passing the Policy: What's Next?**

This new policy implementation and enforcement guide provides tips and tools to help local tobacco control coalitions successfully implement new tobacco control policies.

<http://www.center4tobaccopolicy.org/files/files/After%20Passing%20the%20Policy-What's%20Next.pdf>

## **Cigarettes Generate Big Revenue for Convenience Stores**

NACS releases an annual report on product sales, store operations, motor fuel and other topics of interest to the convenience store industry. This report is important to the tobacco control community because it includes figures about cigarette sales at convenience stores, which can be helpful for local tobacco retailer licensing efforts. This fact sheet highlights data from the 2007 State of the Industry: Convenience & Petroleum Retailing Totals, Trends and Averages.

[http://www.center4tobaccopolicy.org/files/files/5376\\_Cigarettes\\_Generate\\_Big%20Revenue.pdf](http://www.center4tobaccopolicy.org/files/files/5376_Cigarettes_Generate_Big%20Revenue.pdf)

## **California Youth Advocacy Network (CYAN)**

CYAN is dedicated to supporting youth and young adults by advocating for a tobacco-free California. CYAN provides tobacco control professionals and young people with the tangible tools for action to mobilize a powerful statewide movement. CYAN staff are committed to changing the tobacco use culture in California's high schools, colleges and universities, military bases, and all levels of the young adult community. CYAN's Mission: Possible Campaign focuses on increasing youth involvement and engagement in local tobacco retailer licensing efforts, while generating excitement and momentum around the issue of youth access to tobacco.

<http://www.cyanonline.org/Youth/TobaccoRetailLicensingCampaign/tabid/567/Default.aspx>





## **Tobacco Education Clearinghouse of California (TECC)**

TECC is funded by CTCP to provide a broad array of professional services to CTCP-funded projects and maintain an extensive sales catalog of over 450 tobacco education products. TECC is operated by ETR Associates, a national nonprofit health education agency located in Santa Cruz County.

<http://www.tobaccofreecatalog.org/>.

## **State Enforcement Agencies**

### **California Office of the Attorney General, Tobacco Litigation and Enforcement Unit**

<http://ag.ca.gov/tobacco/index.php>

Primary responsibilities include enforcement of the Tobacco Master Settlement Agreement and state consumer protection laws and monitoring the compliance of retail chain stores that have signed an Assurance of Voluntary Compliance or AVC with the AG's Office. Contact: Alan Lieberman, Deputy Attorney General, (916) 323-3705 or [Alan.Lieberman@doj.ca.gov](mailto:Alan.Lieberman@doj.ca.gov).

### **California State Board of Equalization (BOE)**

<http://www.boe.ca.gov/sptaxprog/spctlicact03.htm>

The mission of the BOE is to serve the public through fair, effective, and efficient tax administration. The BOE administers California's tobacco retail licensing law, the Licensing Act of 2003.

BOE field offices: <http://www.boe.ca.gov/info/phone.htm>

BOE's regional retailer education program:

<http://www.boe.ca.gov/sutax/cigtobclass.htm>

### **California Department of Public Health, Food and Drug Branch**

#### **Stop Tobacco Access to Kids Enforcement (STAKE) Act Program**

<http://ww2.cdph.ca.gov/programs/Pages/STAKEProgram.aspx>

The CDPH Food and Drug Branch (FDB) is responsible for enforcement of the STAKE Act through statewide compliance inspections in retail outlets. Youth decoy inspections are conducted on an ongoing basis. Local jurisdictions interested in enforcing STAKE should contact FDB for coordination purposes.

Contact: Tony Falzone, Acting STAKE Act Unit Chief, [Tony.Falzone@cdph.ca.gov](mailto:Tony.Falzone@cdph.ca.gov).