

## 2003 California Youth Tobacco Purchase Survey Executive Summary

Every year the California Department of Health Services Tobacco Control Section conducts a scientific statewide Youth Tobacco Purchase Survey of California tobacco retailers, as required by the 1992 federal Synar Amendment<sup>1</sup>. This survey is conducted to monitor retailer compliance with California's 1995 Stop Tobacco Access to Kids Enforcement Act, commonly referred to as the STAKE Act<sup>2</sup>.

### Survey Results

After two years of retailer increases in selling tobacco to children, illegal sales of tobacco to minors in 2003 fell to the lowest rate ever experienced in California: 12.2 percent<sup>3</sup>. This is down from 19.3 percent in 2002<sup>4</sup> and 17.1 percent in 2001.

While the news is encouraging that more retailers are complying with the law, the 2003 data indicates that much work remains to be done:

- Certain types of stores continue to sell tobacco at high rates. Specifically, in 2003, deli, meat, and produce markets, such as fruit stands, sold to youth 26.7 percent of the time, and pharmacies, donut shops, and discount "dollar" stores sold tobacco to teens 19.9 percent of the time.
- Supermarkets and liquor stores also sold at high rates of 17.3 and 13.8 percent, respectively, while small grocery and convenience stores sold at the lowest rate of 3.8 percent;
- Nearly half of California's retailers - 49.2 percent - do not have the STAKE Act age-of-sale warning signs required by law posted in their stores. These signs are required to be posted at each cash register in stores where tobacco is sold. Stores

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<sup>1</sup> California is required to conduct a youth tobacco purchase survey under the federal 1992 Synar Amendment (Section 1926, Federal Public Health Act 1992) which mandates all states to:

- 1) Enact and vigorously enforce laws prohibiting tobacco sales to minors;
- 2) Maintain an illegal sales rate no higher than 20 percent (states that fail to do so are subject to a withholding of up to 40 percent of federal drug and alcohol prevention and treatment block grant funds);
- 3) Conduct random, scientific inspections to assess the illegal tobacco sales rate; and
- 4) Report progress to the federal Substance Abuse and Mental Health Services Administration (SAMHSA).

States with rates of illegal sales of tobacco to youth above 20 percent risk losing up to 40 percent of their federal drug and alcohol prevention and treatment funds. In California, this is equal to more than \$100 million dollars for local community programs.

<sup>2</sup> Business and Professions Code Section 22950-22962 prohibits the selling or giving of tobacco products to minors, and requires retailers to check the ID of youthful-looking tobacco purchasers and post age-of-sale warning signs, with specified language, at all points of purchase. (Also see Penal Code 308(a).)

<sup>3</sup> Methodology: California's 2003 statewide scientific random survey was conducted from April through June by the Behavioral Health Institute of the San Diego State University, a contractor hired by TCS. Youth participants (51.3 percent of which were 15 year-olds, 48.7 percent of which were 16 year-olds) were trained and ethnically matched to sampled neighborhoods, and a consummated "actual buy" protocol was used. One purchase attempt was made per store. Seven hundred and twenty nine (729) stores were surveyed.

<sup>4</sup> The higher rate in 2002 is partially attributable to a higher proportion of 16 year-old youth participating as decoys in the survey, compared to 15 year-old youth. Surveyors try to maintain a 50/50 ratio of 15 to 16 year-olds in the surveys. Regardless of the ratio, it is illegal to sell tobacco to anyone under the age of 18.

with STAKE Act signage sold at lower rates, 8.1 percent, while stores without STAKE Act signage sold at 17.4 percent.

In the 2002 Youth Tobacco Purchase Survey, a higher proportion of 16 year-old youth participated as decoys, compared to the number of 15 year-old youth, while the ratio for 2003 (and other years) was closer to 50/50. It's well known that clerks more often sell to older youth, however, it is illegal to sell tobacco to anyone under the age of 18.

### **Survey Implications**

Achieving a 12.2 percent illegal sales rate in 2003 is the pay off for California's investments in tobacco control law enforcement, retailer education, and public awareness. Local Lead Agencies, competitive grantees, and several California agencies are to be commended for their efforts. For instance:

- Multiple county tobacco control programs increased tobacco retailer and public education, and increased local retail tobacco control policy development;
- Beginning in 2001, the Department of Health Services increased enforcement through contracts to local law enforcement agencies, and in 2002 and 2003, 300 enforcement officers and city and county district attorneys were trained on youth access to tobacco law enforcement and prosecution;
- In 2002, the Department of Alcohol and Drug Programs elevated education and collaboration outreach to local county drug and alcohol funded agencies and worked with Friday Night Live organizations to increase public awareness at the local level;
- Beginning in 2002, advertising and public awareness efforts about the problem of youth access were increased;
- In 2002 and 2003, the Attorney General's Office attained assurances of voluntary compliance with Walgreens, Exxon-Mobil, BP Amoco and ARCO to institute improved tobacco sales procedures and safeguards; and
- Alcoholic Beverage Control Board inspectors checked for STAKE Act signage at licensed alcohol retailers and increased the presence of STAKE Act signs where they were not previously posted.
- Governor Davis issued Executive Order (D-68-03) in June, 2003, to pave the way for more state agencies to work together to increase retailer inspections, increase the presence of STAKE Act signage, increase enforcement, and increase penalties to retailers who fail to post STAKE Act signs and sell tobacco to kids.

These combined efforts demonstrate that increased enforcement, coupled with retailer and community education, result in improved retailer compliance with youth tobacco access laws. Keeping the pressure on has helped retailers "get the message" to stop selling tobacco to kids -- however, it is clear that more work is needed and it is important that youth access reduction efforts continue.