

**California Department of Health Services, Tobacco Control Section**  
**YOUTH TOBACCO ACCESS KEY PROGRAM DESCRIPTIONS**

Program	Description
<p><b>“Synar” Amendment</b></p> <ul style="list-style-type: none"> <li>Federal law mandating states to pass and enforce laws prohibiting the sale or distribution of tobacco to minors.</li> <li>Enacted by Congress in 1992 under Section 1926 of the federal Public Health Act.</li> </ul> <p>See:  <a href="http://prevention.samhsa.gov/tobacco/fctsheets.asp">http://prevention.samhsa.gov/tobacco/fctsheets.asp</a></p>	<p>Requires states to:</p> <ul style="list-style-type: none"> <li>Achieve and maintain an illegal tobacco sales rate no higher than 20%;</li> <li>Conduct enforcement operations;</li> <li>Conduct an annual statewide scientific youth tobacco purchase survey (YTPS) to determine the state's illegal sales rate;</li> <li>Report survey findings and all related youth access activities to SAMHSA (see below), the overseeing Synar authority, via the state’s annual Substance Abuse Prevention and Treatment (SAPT) block grant application;</li> <li>States who fail to achieve and maintain an illegal tobacco sales rate no higher than 20% are subject to the withholding of up to 40% of block grant funds from SAMHSA. For California, this is equivalent to \$100 million dollars.</li> </ul>
<p><b>"SAMHSA"</b></p> <ul style="list-style-type: none"> <li>Substance Abuse and Mental Health Services Administration</li> </ul> <p>See:  <a href="http://www.samhsa.gov">www.samhsa.gov</a></p>	<ul style="list-style-type: none"> <li>Under the Department of Health and Human Services, SAMHSA is the federal agency designated to implement the Synar Amendment. Implementation requirements are annotated in the SAMHSA Tobacco Regulation;</li> <li>SAMHSA is the parent agency of the Center for Substance Abuse Prevention (CSAP), the Synar day-to-day administrative agency.</li> </ul>
<p><b>"CSAP"</b></p> <ul style="list-style-type: none"> <li>Center for Substance Abuse Prevention</li> </ul> <p>See:  <a href="http://www.samhsa.gov/centers/csap/csap.html">http://www.samhsa.gov/centers/csap/csap.html</a></p>	<ul style="list-style-type: none"> <li>Under SAMHSA, CSAP provides day-to-day oversight of the Synar Amendment.</li> </ul>
<p><b>"Block Grant Funds"</b></p> <ul style="list-style-type: none"> <li>Substance Abuse Prevention and Treatment (SAPT) Block Grant</li> </ul> <p>See:  <a href="http://www.samhsa.gov/centers/csap/content/ubgas/csatintr.htm">http://www.samhsa.gov/centers/csap/content/ubgas/csatintr.htm</a></p>	<ul style="list-style-type: none"> <li>Block grant funds pay for a wide variety of drug and alcohol prevention and treatment programs;</li> <li>Distributed by the federal Center for Substance Abuse Treatment under SAMHSA, and administered by the California Department of Alcohol and Drug Programs, California counties use these funds to pay for drug and alcohol prevention and treatment programs, after-school programs for at-risk youth, HIV Early Intervention Services for individuals receiving substance abuse treatment, and other related programs.</li> </ul>

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<p><b>Stop Tobacco Access to Kids Enforcement (STAKE) Act</b></p> <ul style="list-style-type: none"> <li>To comply with Synar, the California legislature enacted Business and Professions Code 22950 in 1995, known as the STAKE Act.</li> </ul> <p>See:  <a href="http://www.leginfo.ca.gov/calaw.html">http://www.leginfo.ca.gov/calaw.html</a></p>	<ul style="list-style-type: none"> <li>Enforced by the California Department of Health Services (CDHS) Food and Drug Branch (FDB);</li> <li>Prohibits the sale, distribution or giving of tobacco to minors;</li> <li>Requires clerks to check identification;</li> <li>Assigns civil fines and penalties to storeowners for violations - does not fine clerks;</li> <li>Requires specific signage at each point of sale;</li> <li>Requires tobacco wholesalers and distributors to report tobacco retail sites to CDHS;</li> <li>Provides for an "800" complaint line (1-800-5 ASK-4-ID) for use by the general public;</li> <li>Assigns responsibility for the annual Synar report to CDHS.</li> <li>See the TCS Brochure "Tobacco Control Laws that Affect Retail Businesses".</li> </ul>
<p><b>Penal Code 308(a)</b></p> <ul style="list-style-type: none"> <li>California's first youth tobacco access law.</li> <li>Enacted by the California Legislature in the late 1800's.</li> </ul> <p>See:  <a href="http://www.leginfo.ca.gov/calaw.html">http://www.leginfo.ca.gov/calaw.html</a></p>	<ul style="list-style-type: none"> <li>Enforced at the local level;</li> <li>Prohibits the sale, distribution or giving of tobacco to minors;</li> <li>Requires clerks to check identification;</li> <li>Requires specific signage at each point of sale;</li> <li>Assigns a misdemeanor with fines and penalties to storeowners and clerks;</li> <li>See the TCS Brochure "Tobacco Control Laws that Affect Retail Businesses".</li> </ul>
<p><b>Youth Tobacco Purchase Survey (YTPS)</b></p> <ul style="list-style-type: none"> <li>CDHS Youth Tobacco Purchase Survey</li> </ul> <p>See:  <a href="http://www.dhs.ca.gov">www.dhs.ca.gov</a></p>	<ul style="list-style-type: none"> <li>Annual scientific, random survey of 744 tobacco retail outlets statewide;</li> <li>Uses a consummated buy protocol;</li> <li>If asked for ID, youth respond that they don't have any, but do state their true age if asked;</li> <li>Sampling size and survey design collect data representative of entire state - however, sample size limitations prohibit county-by-county breakdown of data and cannot provide a county's illegal sales rate;</li> <li>2002's illegal sales rate for California is 19.3%, up from 17.8% in 2001 and 12.8% in 2000;</li> </ul> <p>Per the Synar Amendment, if the illegal sales rate climbs above 20%, SAMHSA is mandated to withhold up to 40% of California's block grant funds - equivalent to \$100 million dollars.</p>

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<p><b>Food and Drug Branch (FDB)</b></p> <ul style="list-style-type: none"> <li>The STAKE Act assigns enforcement authority to the CDHS Food and Drug Branch (FDB). It also authorizes CDHS to assign enforcement authority to other enforcement agencies via a grant process. However, this is not done due to funding limitations.</li> </ul> <p>See:  <a href="http://www.dhs.ca.gov/ps/fdb/HTML/STAKE/stakebck.htm">http://www.dhs.ca.gov/ps/fdb/HTML/STAKE/stakebck.htm</a></p>	<ul style="list-style-type: none"> <li>FDB has been conducting STAKE Act compliance checks since December 1995;</li> <li>Working with youth decoys 15-16 years of age, peace officers conduct random, unannounced inspections in every county of the state. Remote locations are inspected every other year;</li> <li>Youth decoys must show a valid ID, when asked, but are not required to state their true age if asked;</li> <li>Repeat offenders and complaints reported on the 800 line (1-800-5-ASK-4-ID) or from any reliable source are also inspected;</li> <li>FDB reports STAKE violations to the CDHS legal department, who then processes civil enforcement actions and assesses fines;</li> <li>It is important to note that FDB inspections are compliance checks that should not be confused with scientific youth purchase surveys. Because FDB activities are not scientifically representative of all of the stores in any given county, their inspection results cannot be construed as a county's illegal sales rate. Rather, an illegal sales rate can only be assessed via a scientific youth purchase survey conducted at the local level.</li> </ul>
<p><b>ADP</b></p> <ul style="list-style-type: none"> <li>Department of Alcohol and Drug Programs</li> </ul> <p>See:  <a href="http://www.ADP.ca.gov">www.ADP.ca.gov</a></p>	<ul style="list-style-type: none"> <li>California's lead state agency created to reduce alcohol and other drug problems by developing, administering, and supporting prevention and treatment programs;</li> <li>Administers federal SAPT block grant funds to pay for drug and alcohol prevention and treatment programs, after-school programs for at-risk youth, HIV Early Intervention Services for individuals receiving substance abuse treatment, and other related programs.</li> </ul>