

SUMMARY

California Laws – Illegal Tobacco Sales to Minors

February 2, 2004

Although it has been illegal to sell tobacco products to minors for over 100 years, the hurdles of consistent enforcement and meaningful penalties have reduced, but not eliminated, this practice that harms our youth.

STAKE ACT (1994) (Stop Tobacco Access to Kids Enforcement)

- Requires Stake Act signs at all retailers that sell tobacco products.
- Creates a complaint line re illegal sales to minors.
- Fines store owners \$200–300 for first violation; \$600–900 for 2nd violation in a year – up to \$5,000–6,000 for **fifth violation in 5 year period**.
- Enforced by nine (yes 9) inspectors statewide who respond to complaints, and work with youth on illegal sales surveys for statewide rate. (Every county also conducts youth purchase surveys biennially.)
- A one-year STAKE public awareness campaign will start this spring through the Dept. of Alcohol & Drug Programs per an Executive Order from Governor Davis.

AB 71 (Horton) 2003

The purpose of this bill is to increase tobacco tax revenues by decreasing counterfeiting and smuggling.

- A one-time only retail licensing fee of \$100 will be collected by the Board of Equalization by June 1, 2004.
- No funds are provided for enforcement of laws to stop minors from buying tobacco. Inspectors will check for licensing and tax violations.
- Penalties for selling to minors under this law are remotely possible. *If* the state illegal sales rate is greater than 13% (now 12.2%) and *if* a retailer has been convicted of selling to minors four times in 1 year, the license could be suspended. It takes eight convictions in 2 years to revoke a license.
- The law specifically allows local government to enact and enforce tobacco retail licensing. “Nothing in this division preempts or supersedes any local tobacco control law other than those related to the collection of state taxes. Local licensing laws may provide for the suspension or revocation of the local license for any violation of a state tobacco control law.”