



Senate Bill 624, Fact Sheet

Stop Tobacco Access to Kids Enforcement (STAKE) Act Background

The STAKE Act (Business and Professions [B&P] Code Sections 22950 – 22963) was designed to reduce the availability of tobacco products to minors. It prohibits the furnishing of tobacco products to, and the purchase of tobacco products by, a person under the age of 18 years, and authorizes the assessment of civil penalties for violations. Penalties are against the owners of the business that made the illegal tobacco sale to a minor. Historically, the California Department of Public Health (CDPH) has been the only agency that enforces the STAKE Act, yet could enter into enforcement delegation contracts with local law enforcement agencies to conduct local STAKE Act enforcement.

Law Summary

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 and encourage these agencies to coordinate and share results of their inspections with the CDPH.
- Increased the fines for the first two violations of the STAKE Act
- The first violation was increased from \$200-\$300 to \$400 \$600
- The second violation was increased from \$400-\$600 to \$900-\$1,000, within a five-year period
- The third violation remains \$1,200-\$1,800, within a five-year period
- The fourth violation remains \$3,000-\$4,000, within a five-year period
- The fifth violation remains \$5,000-\$6,000, within a five-year period
- Establish a fine structure within STAKE Act for retailers that do not post the required age of sale warning signs at each point-of-purchase. The first violation would be \$200 and the second and each subsequent violation would be \$500.
- Require that all monies collected as civil penalties by other state agencies that enforce STAKE Act (besides CDPH) be deposited into the Sale of Tobacco to Minors Control (STMC) Account.

Purpose of the new law

As a result of this law, law enforcement agencies other than CDPH may now enforce the STAKE Act without an enforcement delegation contract. STAKE Act enforcement provides other law enforcement agencies with an additional tool to reduce the sale of tobacco products to minors.

Who is required to enforce the STAKE Act?

Only the CDPH is required to enforce the STAKE Act, even with the addition of SB 624. The new law simply provides local law enforcement agencies who are interested in reducing the sale of tobacco products to minors with an additional tool.

What do local or state local enforcement agencies need to do to enforce the STAKE Act?

The procedures used by the CDPH FDB to enforce the STAKE Act are very well defined within state law and by regulation. Before any state or local law enforcement agency attempts to enforce the STAKE Act, they should contact the CDPH, Food and Drug Branch for consultation.

Where can I get more information?

Any questions about enforcement of the STAKE Act should be directed to Glen Lawrence, STAKE Enforcement Unit Chief, at the California Department of Public Health, Food and Drug Branch. Glen can be reached at 916-650-6600. You can also visit the FDB at <http://www.dhs.ca.gov/fdb/HTML/STAKE/indexstake.htm>