

FACT SHEET

This fact sheet describes youth involvement in enforcement and survey programs to prevent illegal tobacco sales to persons under 21 years of age.

- The Stop Tobacco Access to Kids Enforcement (STAKE) Act is a California law that prohibits tobacco sales to persons under the age of 21 and requires that retailers check identification (ID) of persons trying to buy tobacco who appear under 21 years of age. The California Department of Public Health (CDPH), Food and Drug Branch (FDB) inspectors accompany decoys into stores while decoys attempt to buy tobacco in an “undercover” operation. Stores that sell to decoys are cited and fined by FDB.
- The Family Smoking and Tobacco Control Act is a federal law which regulates tobacco products. CDPH-FDB enforces these laws in California on behalf of the FDA. By participating in the FDA compliance checks program, the youths will need to be available for 5 years to either testify, provide a declaration and/or write a narrative report if requested to do so.
- The annual statewide Youth Tobacco Purchase Survey (YTPS) is a scientific data collection effort funded by the CDPH Tobacco Control Program (TCP). In this survey, YTPS Contractor staff train and supervise youth to conduct “undercover” tobacco purchase attempts. The survey results represent California’s official illegal sales rate of tobacco for that particular year.
- The CDPH Tobacco Control Program and the Food and Drug Branch have contracts with the Boys & Girls Clubs of Fresno County to recruit 14- to 17-year-old teens to participate as “undercover decoys” in the three retail data collection activities listed above.
- Decoys will be trained on buying procedures and avoidance of confrontations the day they work, not during the application process.
- Persons under the age of 21 participating in these programs have full immunity from prosecution. If tobacco products are sold to decoys during enforcement operations, the accompanying investigator will notify the storeowner several days after the decoy has left the premises, never in the presence of the decoy.
- Participating decoys are required to carry a valid California Driver’s License or a California ID unless they are participating in FDA compliance checks. Decoys participating in FDA compliance are not required to have an ID.
- Either FDB investigators or the Youth Tobacco Purchase Survey research assistants will provide transportation and meals for the youth on the day they work. All drivers are fully insured.
- According to the CDPH, the percentage of retailers selling to youth in 2016 was 10.3%. In comparison to 1995, the first year of enforcement activities, the percentage was 37%.