

FACT SHEET

This fact sheet describes involvement in enforcement programs that 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. California Department of Public Health, Office of Youth Tobacco Enforcement (CDPH OYTE) investigators, accompany decoys into stores while decoys attempt to buy tobacco in an “undercover” operation. Stores that sell to decoys are cited and fined by OYTE.
- The Family Smoking and Tobacco Control Act is a federal law which regulates tobacco products. CDPH OYTE enforces these laws in California on behalf of the FDA. All enrolled decoys must be available for up to five years from the date of the decoy’s last compliance check to provide a narrative report, declaration, and/or give oral testimony in a hearing should one of their compliance checks go to court or administrative hearing.
- According to CDPH, the percentage of retailers selling to youth under the age of 18 in 2018 was 5.4%. In comparison to the first year of enforcement activities in 1995 when the percentage of illegal sales was 37%.
- According to CDPH, the percentage of retailers selling to young adults under the age of 21 in 2019 was 17.9%
- CDPH contracted with California Decoy LLC in 2026 to recruit volunteers ages 15 to 20 throughout all 58 California counties to participate as ‘undercover decoys’ in underage tobacco purchase operations statewide.
- California became the second state to implement a statewide Tobacco 21 law. Governor Jerry Brown signed a group of bills on May 4, 2016. The bill was approved in a special health care session and became effective on June 9, 2016.
- All 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 within 2 days after the decoy has left the premises, never in the presence of the decoy.
- OYTE investigators will provide transportation and a \$20 food voucher to the decoy on the day they work, at the end of the shift. All drivers are fully insured.