



Fact Sheet:



Tobacco Sales to Minors (The Synar Amendment)

Federal lawmakers passed Section 1926 of Title XIX of the Federal Public Health Service Act, commonly called the Synar Amendment, in 1992. The Synar Amendment requires states to pass and enforce laws that prohibit the sale of tobacco to individuals under 18 years of age. On January 19, 1996, the U.S. Department of Health and Human Services issued the final implementation regulations for the Synar Amendment. Although California law prohibits the sale of tobacco products to minors (Penal Code Section 308; statutes of 1991; last amended in 2001), the law was not sufficient to meet the enforcement requirements of the Synar Amendment. After the Synar proposed regulations were released, but before the final regulations were issued, the California Legislature passed the Stop Tobacco Access to Kids Enforcement (STAKE) Act, Chapter 1009, Statutes of 1994; last amended in 2001.

Compliance with the Synar Amendment is a condition of funding for states receiving the Substance Abuse Prevention and Treatment (SAPT) block grant. Forty (40) percent of the block grant funding can be withheld for not complying with the Synar Amendment.

Briefly, the Synar federal regulations require California to:

- Achieve no more than a 20 percent rate of illegal tobacco sales to minors. (*The 2006 annual percentage rate was 13.2 percent.*)
- Draw a probability sample among all available retail outlets to ensure that selected outlets are accessible to youth, and conduct annual, random, unannounced inspections. This sales rate is used to determine compliance with the Synar Amendment.
- Determine strategies that would most appropriately meet the requirement of the law (i.e., licensing system, graduated penalties, cigarette vending machine ban, etc.).

The California STAKE Act (Business and Professions Code Sections 22950-22961) mandates the following ongoing activities:

- Requires California's Department of Health Services (DHS) to enforce laws prohibiting the sale, distribution, or provision of tobacco products to persons under 18 years of age.

- Requires retail sellers to check the identification of anyone attempting to buy tobacco who appears to be under 18 years of age. Investigators from DHS, Food and Drug Branch, conduct on-site compliance checks with the assistance of minors, 15-16 years of age, who are granted immunity from prosecution.
- Requires retailers of tobacco products to post a warning sign at each point of sale, and on each vending machine, stating that selling tobacco products to minors is illegal and subject to penalties. Warning signs must include a toll-free telephone number (1-800-5 ASK-4-ID) that customers may use to report observed tobacco sales to youth under the age of 18. The owner of a business where tobacco is sold, or provided to a minor, is subject to civil penalties ranging from \$200 to \$6,000.
- Requires any tobacco product distributor, or wholesaler, and any vending machine operator, to annually provide DHS the names and addresses of the tobacco product retailers that they supply, and the name and address of each location where cigarette vending machines are placed.
- Prohibits tobacco billboards within 1,000 feet of schools and public playgrounds.
- Requires the annual transfer of \$2 million dollars from the Department of Alcohol and Drug Programs' SAPT block grant to the Sale of Tobacco to Minors Control Account. These funds are used by DHS to administer the provisions of the Synar Amendment.
- Requires DHS to prepare an annual report regarding enforcement activities and their effectiveness.
- Authorizes DHS to conduct on-site sting inspections in response to public complaints, or at sites with previous violations (rather than choosing locations solely on a random basis), and to investigate illegal sales of tobacco products to minors by phone, mail or internet.

For additional information, contact Denise Evans in the Program Services Division, Prevention Services, at (916) 323-1818.