

FACT SHEET

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

- According to CDPH, the percentage of retailers selling to youth in 2017 was 5.7%. In comparison to the first year of enforcement activities in 1995 when the percentage of illegal sales was 37%.
- 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. 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.
- The California Department of Public Health (CDPH) has since 2013 contracted with the Boys & Girls Clubs of Fresno County to recruit volunteers ages 15 to 20 years old in all 58 California counties to participate in underage tobacco purchase operations as “undercover decoys” in the state of California.
- 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 several hours or days after the decoy has left the premises, never in the presence of the decoy.
- FDB investigators will provide transportation and a \$10 food voucher to the decoy on the day they work, at the end of the shift. All drivers are fully insured.