

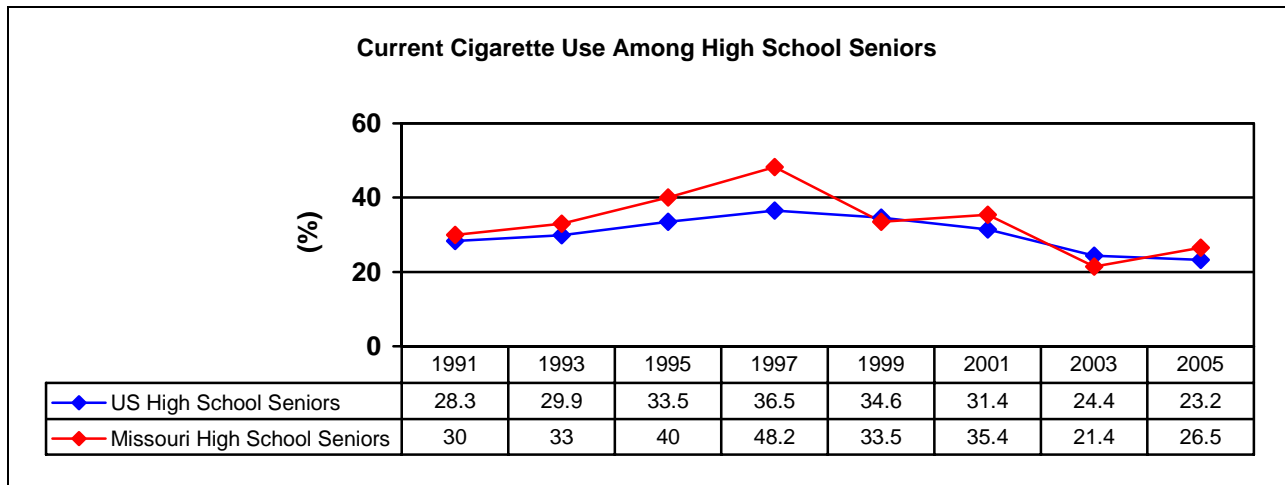
YOUTH AND TOBACCO IN MISSOURI

Youth Tobacco Access and Possession Laws

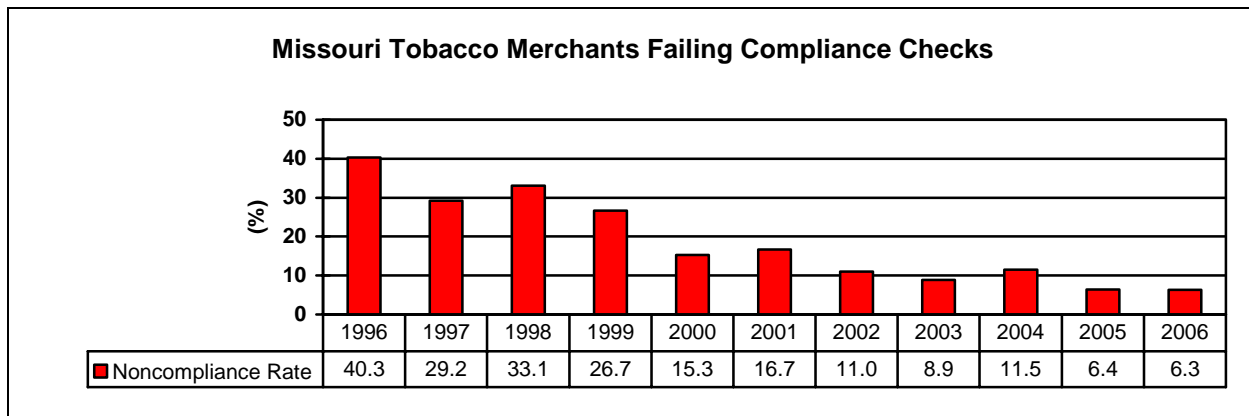
- No Tobacco Sales to Persons under Age 18: Missouri state law prohibits the selling of tobacco products to anyone under the age of 18 years. Merchants are also required to post a state law sign at every tobacco display, including cigarette machines. (*RSMO 407.926-407.927*)
- State Law Enforcement: The Department of Public Safety, Division of Alcohol and Tobacco Control has the authority to enforce the state's laws related to the control and sale of tobacco. (*RSMO 407.934*)
- Vending Machines: As of January 1, 2002, vending machines are required to be located within employee's line of sight or be equipped with a locking device. Vending machines located in areas where patrons must be over the age of 18 or in places not generally accessible to the general public are exempt from this requirement. (*RSMO 407.931*)
- Minor Possession: No person under the age of 18 shall purchase, attempt to purchase, or possess tobacco products unless in the course of employment. Persons under the age of 18 will have their tobacco products confiscated. (*RSMO 407.933*)
- Tobacco Registry: The Department of Revenue is required to establish and maintain a listing of establishments that sell tobacco products in the state. (*RSMO 407.934*)
- Federal Regulation: Federal Synar regulation, administered by the U.S. Department of Health and Human Services, requires all states to establish laws that make it unlawful to sell or distribute tobacco products to any individual under the age of 18 years and to enforce such laws in a manner that can reasonably be expected to reduce youth access to tobacco products. It also requires states to annually measure compliance through random, unannounced inspections. All states are expected to achieve a violation rate of no more than 20 percent. (*42 U.S.C. 300x-26 and 45 C.F.R. 96.130*)

Current Status of Tobacco Use and Merchant Compliance

- Youth Lifetime Use: In 2005, nearly 50 percent of Missouri high school students surveyed reported that they had tried cigarette smoking—down from the 67 percent reporting lifetime use in 2003. The next Missouri Youth Risk Behavior Survey is scheduled for 2007.
- Youth Current Use: In 2005, 26.5 percent of Missouri high school seniors reported current use of cigarettes—slightly higher than the previous year's rate of 21.4 percent yet down significantly from a high of 48.2 percent in 1997. The recent figure for the state is comparable but somewhat higher than that for the country as a whole. The percent of U.S. high school seniors reporting current use of cigarettes was 23.2 percent.



- **Merchant Compliance:** In 2006, an estimated 6.3 percent of Missouri merchants failed to deny cigarettes and/or smokeless tobacco to individuals under the age of 18 years—little change from the previous year. For the past seven years, the State has realized a non-compliance rate below the long-term Synar target rate of 20 percent. The State has used a combination of law enforcement and merchant education activities in order to bring down the non-compliance rate from a high of 40 percent (baseline year) to a rate less than the 20 percent target rate.



State Initiatives Aimed at Youth Tobacco Access

- **Law Enforcement Surveillance and Inspections:** The Division of Alcohol and Tobacco Control (DATC) has 36 field agents to enforce both alcohol and tobacco laws. Between October 2005 and July 2006, DATC conducted 92 server trainings in which 2,152 individuals were trained. During the same time period, DATC conducted 258 enforcement checks. Of these, 112 were found non-compliant with resulting dispositions of 60 letters of reprimand, 32 exemptions from penalties, and 20 pending for dispositions.
- **Merchant Education Program:** The Division of Alcohol and Drug Abuse (ADA) continues to conduct a comprehensive merchant education program that includes mailings, educational visits, compliance checks, and feedback to clerks and owners/managers.

In January 2006, ADA printed and distributed 7,300 “age checker” calendars. In addition, educational phone contacts and visits to tobacco outlets were made to provide merchants with information regarding the state’s laws on youth access to tobacco products. An initial phone contact was made in February 2006. Between March and May 2006, the prevention teams conducted walk-in visits to tobacco retailers in the state. Retailers generally received two visits. In total, 11,698 walk-in visits were conducted in which contact was made with the store owner, manager, and/or other employees.

Throughout the year, compliance checks are conducted in which a youth age 16 or 17 attempts to purchase a tobacco product. If the mode of purchase is over-the-counter, the event is considered a successful unconsummated buy if the retail clerk fails to request ID or the age of the youth prior to requesting payment for the tobacco product and fails to refuse the sale. If the mode of purchase is vending machine, the event is considered a successful unconsummated buy if the youth is able to insert a quarter into the vending machine and leave the premises without intervention by store employees whereby they request ID or the age of the youth. During these checks, the youth inspectors purchase no tobacco products. If the check results in a successful (unconsummated) buy, the clerk receives a caution card. The check is followed-up by a caution letter to the owner/manager generally within two weeks of the check. If the store employee refuses the sale, the store employee is given a congratulatory card. These checks are followed up with a congratulatory letter to the owner/manager of the retail establishment. Between August 2005 and July 2006 there were 3,169 checks (including Synar checks), with 283 (9.8%) resulting in the issuance of caution cards.