

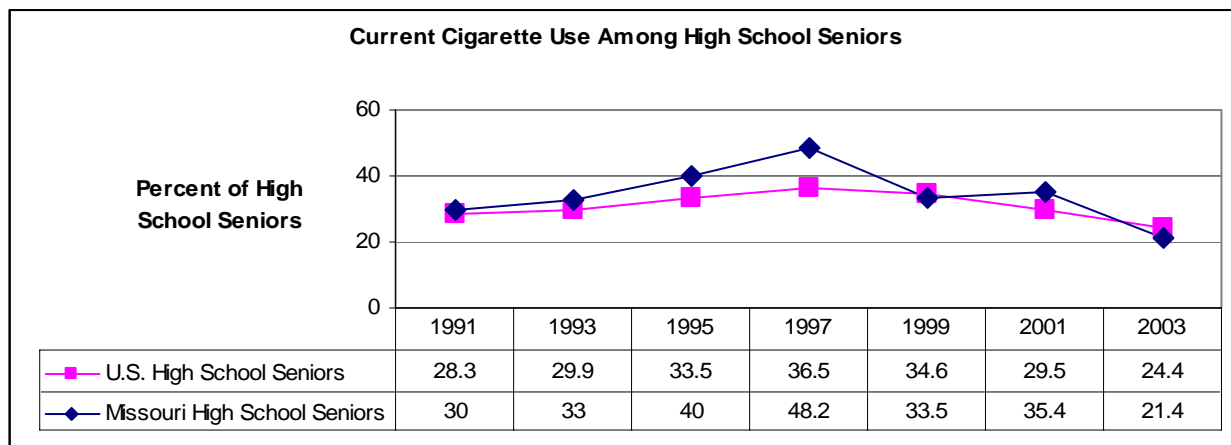
YOUTH AND TOBACCO IN MISSOURI

Youth Tobacco Access and Possession Laws

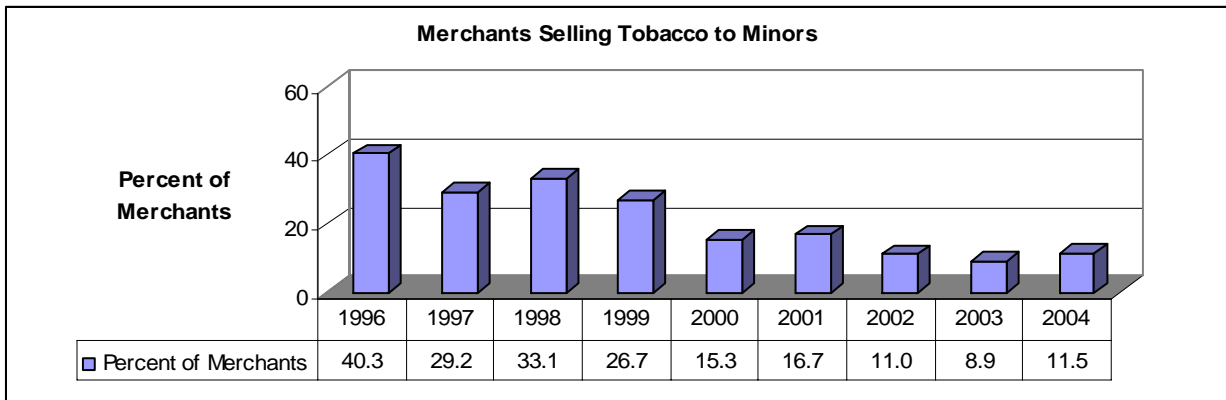
- No Tobacco Sales to Persons under Age 18: Missouri state law prohibits the selling of tobacco products to anyone under the age of 18 years. Merchants are also required to post a state law sign at every tobacco display, including cigarette machines. (*RSMO 407.926-407.927*)
- State Law Enforcement: 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 2003, nearly 67 percent of Missouri high school students surveyed reported that they had tried cigarette smoking – down from the 76.7 percent reporting lifetime use in 2001 but still higher than the 2003 national average of 53.7 percent. The next Missouri high school Youth Risk Behavior Survey is scheduled for 2005 [2, 9].
- Youth Current Use: In 2003, 21.4 percent of Missouri high school seniors reported current use of cigarettes—down significantly from 35.4 percent in 2001. While during most of the 1990's Missouri's rate of high school senior smokers was higher than the corresponding national average, the most recent rate reported for the state falls below the 2003 national average of 24.4 percent.



- **Merchant Compliance:** In 2004, an estimated 11.5 percent of Missouri merchants unlawfully sold cigarettes and smokeless tobacco to individuals under the age of 18 years—up somewhat from the previous year's rate of 8.9 percent. For the past five years, the State has realized a non-compliance rate below the long-term Synar target rate of 20%. 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 [25].



State Initiatives Aimed at Youth Tobacco Access

- **Law Enforcement Surveillance:** The Division of Alcohol and Tobacco Control (DATC) has 33 field agents to enforce both alcohol and tobacco laws. Citizen or local law enforcement complaints initiate surveillance investigations. Between October 2003 and August 2004, five arrests were made for violations of Sale of Tobacco to Minors (407.931.3) and 20 arrests were made for violations of Possession or Attempt to Purchase Tobacco by Minors (407.933.1). DATC also provides server training covering alcohol and tobacco laws to all interested retailers. During the same time period, DATC conducted 112 server trainings in which 2,123 individuals were trained.
- **Merchant Education Program:** The Division of Alcohol and Drug Abuse (ADA) continues to conduct a comprehensive merchant education program that includes outlet educational visits, compliance checks, and feedback to clerks and owners/managers [25].

Educational visits to tobacco outlets are made to provide merchants with information regarding the state's laws on youth access to tobacco products. From April through June 2004, the prevention teams conducted walk-in visits to tobacco retailers in the state. These retailers generally received three visits during this time period. Informational brochures, tobacco signs, and calendars were given to store employees. In total, 16,150 walk-in visits were conducted in which contact was made with the store owner, manager, and/or other employees. Nearly 5,800 outlets received at least one visit.

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 uncompleted 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 uncompleted 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 (uncompleted) 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 2003 and July 2004, there were 3,895 checks (including Synar checks), with 451 (11.58%) resulting in the issuance of caution cards.