

COMPLIANCE ASSISTANCE BULLETIN

News You Can Use

TOBACCO RETAILER INSPECTION PROGRAM

Purpose

The goal of the Tobacco Retailers' Inspection Program is to prevent sales of tobacco products to minors and encourage responsible tobacco retailing. The purpose of this Compliance Assistance Bulletin (CAB) is to provide tobacco retailers in the unincorporated areas of Sacramento County with background information related to increased tobacco sales to youth, explain what is included in an inspection, answer frequently asked questions, and provide contacts for additional questions.

Issue

Recent surveys have shown that tobacco sales to minors (under 18 years of age) have increased. In 2003, the Sacramento County Department of Health and Human Services (DHHS) Tobacco Education Program found that **21% of tobacco retailers** sampled in the County (including the incorporated cities) **unlawfully sold tobacco products to minors**. This figure is well above the **state average of 12 – 13%**.

Inspections

Inspections begin October 1, 2004. The first year of the inspection program will focus on education and assisting retailers with compliance. Environmental Specialists (ESs) will distribute educational materials/required signage and check the following for compliance:

SIGNAGE: A conspicuous sign posted at each point of sale stating that "Selling tobacco products to anyone under 18 years of age is illegal". *California Penal Code (PC) 308(c)*

TOBACCO RETAILER LICENSE: The Tobacco Retailer License is conspicuously displayed. *Sacramento County Code, Chapter 4.07*

CIGARETTE DISPLAY: Cigarettes must be displayed in a locked cabinet if in a customer area, or behind a counter accessible to store employees only. Cigarettes must not be sold using "self-service displays", which is the open display of cigarettes accessible to the public without the assistance of a store employee. *Business and Professions Code 22962*

CIGARETTE PACKAGING: Cigarettes must be manufactured, distributed, sold, or offered for sale in packages of at least 20 per package. "Roll-your-own" tobacco packages must contain at least 0.60 ounces of tobacco. *California PC 308.3*

BIDIS SALES: The sale of "bidis" (hand-rolled filterless cigarettes imported primarily from India and South-Eastern Asian countries) is prohibited except at businesses that prohibit the presence of minors. *California PC 308.1*

**Reinspections
and Enforcement**

Although education will continue, inspections after October 1, 2005 will include a reinspection fee (of \$149) if a retailer is found to be in noncompliance with regulations. The County Sheriff's Department will conduct surveillance and enforcement for youth sales to minors. Enforcement actions for selling to minors will lead to tobacco retail license suspension or revocation.

**Questions and
Answers**

Below you will find common questions and answers:

QUESTIONS AND ANSWERS:**When will compliance inspections begin and how often will they occur?**

Inspections begin October 1, 2004 and will occur annually, most in conjunction with the retail food inspection.

Do I have to post my Tobacco Retailer License?

Yes, the Tobacco Retailer License must be visible to your customers.

Do I have to post my Tobacco Retailer Official Inspection Report?

No, posting is not a requirement.

Can I use the signage that was provided by my tobacco distributor?

The Stop Tobacco Access to Kids Enforcement (STAKE) Act requires that signs with the "1-800-5 ASK-4-ID" telephone number be posted at each point of sale.

Where can I get the proper signage mentioned above?

To receive free copies of the STAKE Act adhesive sign, License ID Guide (to show clerks what to look for), and other information, ask your ES or call (800) 527-5443.

**For More
Information**

For more information on compliance inspections, contact the Environmental Management Department at (916) 875-8440 or www.emd@Saccounty.net.

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