

Tobacco Compliance Check Guidelines



Compliance Checks

Compliance checks are an integral part of the Tobacco Prevention and Control Program for Washington State. In cooperation with Local Health Jurisdictions, and the Washington State Liquor Control Board, the Department of Health is charged with conducting a program that ensures compliance with youth access to tobacco laws (RCW 70.155). Compliance with these laws is essential in supporting prevention and control activities as well as in securing funding for a variety of substance abuse and prevention programs in the state. In order to create uniformity and ensure the validity of the compliance check program, we are establishing the following guidelines.

Step One: Identifying Tobacco Retailers

For those checks that are required by the Department of Health to achieve compliance with the federal Synar amendment, DOH will provide you with a list of the checks you are to conduct. *For additional checks, we provide the following information:*

As a result of the RCW 82.26.190, changed in 2005, Washington tobacco retailers are required to have a state issued cigarette license. The Washington State Liquor Control Board (LCB) keeps updated files of all cigarette licensees. An updated UBI list of all licensees may be obtained from your local LCB office or from DOH.

To identify additional candidates for compliance checks, select an area of your community to conduct checks. Using the UBI list, select those retailers you wish to check. Keep in mind, ***youth must always feels safe and comfortable when entering an establishment***. If the youth or the escort does not feel safe or comfortable entering an establishment, then that site should not be checked at that time. Never force a youth to go into any location where he/she feels unsafe.

Step Two: Recruiting Youth

Tobacco compliance checks are considered community service and many schools have requirements of students to fulfill a certain number of community service hours. A simple call to local school's can be very beneficial to recruitment efforts. In addition, anytime you conduct a presentation in local schools, compliance checks can be mentioned and offered to youth of the proper ages. Family and friends are another resource that can often be tapped into.

Teens may be concerned or apprehensive about conducting compliance checks alone. In these cases and in the initial training checks, two youth may enter the establishment together. However, only one youth should handle the purchase attempt and it should be clearly identified as to which youth will be handling the purchase attempt prior to entering the store. Under no circumstances should the second youth be involved in any conversation with the clerk or involved in any activity that might sidetrack or make the clerk suspicious.

Step Three: Meeting Requirements of Youth Operatives

Compliance check youth must meet the following requirements:

- Be between 15-17 years of age and may not appear older than 18 years of age.
- Be considered trustworthy by Local Health Jurisdiction employees.
- Be willing and able to ask for tobacco products.
- Be willing and able to identify clerks who sell tobacco.
- Be willing and able to testify in LCB administrative hearings.
- Be willing and able to allow photos/audio/dialog to be used as evidence.

Step Four: Enrolling Youth in the Program

1. It is mandatory for all youth volunteers to have the following forms on file prior to the completion of any checks:
 - A. **Consent form** signed by parent or legal guardian.
 - B. **Proof of age.** Washington State ID card, driver's license/permit, military ID, passport, or copy of a birth certificate are acceptable forms of proof; picture ID is preferred. Student ID cards or other non-governmental forms of ID are not acceptable.
 - C. **Letter of immunity.** This letter contains specific language from RCW 70.155 allowing youth to conduct checks. The letter should also include any language pertinent to the specific legal jurisdiction in which compliance checks are conducted.
2. Youth must participate in a training session on conducting checks prior to beginning. Materials for these sessions are available through DOH.

Step Five Conducting Checks ~ Rules for Minor Operatives

1. While conducting compliance checks, youth operatives should dress the way they would normally. Youth should never attempt to make themselves look older (make up, big hair, dresses, suit and tie, etc.) This could lead to entrapment accusations.
2. Under no circumstances will laughing or making fun of a clerk be tolerated. A positive, respectful relationship with retailers should always be maintained.
3. **Youth should never lie about their age.** If you are asked about your age by anyone (clerk or customers), tell the truth.
 - A. **Prior to Conducting Compliance Checks**
 1. Money: **the youth must not carry any money of their own** - only carry money provided by the agency for the controlled purchase.
 2. Carrying Identification: **ID is to be kept in a pocket, not wallet.** Any purse, backpack, bag, cell phones, additional IDs (student, sports, etc) should be left in the vehicle. The youth operative should enter the establishment with only agency money and the single ID. Present ID during check only if asked.

3. Adult procedures for checking Youth's Identification: at the beginning of each compliance check session the adult staff person must check the youth's ID for validity. In addition, all items in the youth's pockets are to be removed from their possession, except the money furnished by the agency and a single ID

B. Conducting the Actual Compliance Check

1. The adult escort drives the youth to the sites to be checked. The minor enters the store, locates the tobacco, and attempts the purchase. The adult escort should attempt to monitor the transaction from inside or outside the store. This is usually easier to do from the outside of small stores and inside larger stores.
2. After each check, the minor should return to the car and help fill out the compliance check reporting form (DOH Pub 345-023).

C. Youth's Purchase Attempt Guidelines

1. Stand in the shortest/fastest line.
2. Select the tobacco from a "self serve" display and set it down on the counter or if the tobacco is sold "over the counter", then ask the clerk for the specific brand name.
 - **Do not say**, "Can I buy a pack of cigarettes?"
 - **Always ask for a specific brand.** For instance: "Can I get a pack of Camel Lights?" If you have difficulty pronouncing a brand name, do not ask for that brand
3. If asked about your age (even by a customer), always state your correct age. **Always tell the truth.**
4. If asked for ID and you have a valid WA State ID, Driver's Permit, Driver's license, or military ID:
 - You may show that to the clerk.
 - Do not use student ID cards.
5. **If the Clerk Does Not Sell:**
 - Simply walk away. Never plead or push the issue farther.
6. **If the Clerk Sells:**
 - Present the money, take the change, and leave casually.
 - Never ask for a receipt, however take one if offered.
 - After the transaction proceed directly back to the car.
 - Do not stop to talk with the adult escort until completely back at the car.

Step Six: Tracking the Evidence

The following procedure must be followed exactly to ensure the integrity of the evidence and validity of the check.

1. When youth exits the store and returns to the car, all items are to be immediately recovered by the supervising adult. This includes receipt, tobacco product, and money (change).
2. Place items (tobacco and receipt) in an evidence bag (clear plastic "baggies" work the best).

3. Take picture of youth in front of the establishment holding the evidence bag. (Attempt to include the store's signage/name in the background of the picture).
4. Mark the picture with the date, store, and youth operatives' name. Place the picture in evidence bag.
5. Fill out an evidence label and place it on the outside of the evidence bag.
6. Evidence is to remain in the supervising adult's possession until returning to the office.
7. Place the evidence bag in a locked evidence locker/cabinet and retain until the case has been closed.

Step Seven: Completing the Checks

1. For all DOH required compliance checks (sales and non-sales), forward the white copy of the compliance check form to the Department of Health per the instructions on the form.
2. For all violations, forward the yellow copy of the form to your local Liquor Control Board Office.
3. Keep the pink (or remaining) copy for your records.