

REGIONAL SUPPORT
CENTER AT FAMILY
COUNSELING CENTER

Jessica Howard
Program Director
573-888-5925 x 215

Jill Rickman
Prevention Educator
573-888-5925 x 270



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Tobacco Merchants of the Bootheel

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You do make a difference

The Regional Support Center would like to thank you for responding to our past visits by decreasing the rate of sales to minors. In 1996 Missouri had a 40.3% noncompliance rate. As of 2006, Missouri had an amazing 6.3% noncompliance rate.

The Synar noncompliance target rate is 20% and Missouri has been below this rate since 2000. The Synar law is very important to the state of Missouri because if the Synar rate (sales to minors) increases to above 20% then the state loses funding. The loss of funding means cuts in jobs, services, consumer spending and much more.

Between August 2005 and July 2006 the ADA made 3,169

checks and 283 of these checks resulted in an issuance of a caution card to the retailer. A caution card is issued when a minor working for the ADA was able to buy a package of cigarettes.



The Regional Support Center is available to present employee training programs regarding sales to minors. If your business

is interested in this service please feel free to contact us and set up an appointment.

Since 1999 the Regional Support Center's prevention staff have visited tobacco retailers in April, May, and June with information and education on the specific tobacco laws, the effects of tobacco on children, offered the required signs that are to be posted, and other goodies including pens, note pads, letter openers, and calendars. The Regional Support Center encourages you to continue helping to lower the rate of sales to minors. We thank you for your response and we look forward to seeing you again this year!

Need more signs for posting requirements?

The Division of Alcohol and Drug Abuse, and our office (Regional Support Center) have the required signs that are to be posted in all stores that sell tobacco products.

State Law requires that the owner of an establishment that sells tobacco products must

display a sign stating "It is a violation of state law for cigarettes or other tobacco products to be sold or otherwise provided to any person under the age of 18 or for such a person to purchase or possess cigarettes or other tobacco products (400.927)."

Regional Support Center, 925 Hwy V V, Kennett, MO 63857, 573-888-5925

Division of Alcohol and Drug Abuse, PO Box 687, Jefferson City, MO 65102, 573-751-4942



The Law

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Any persons, including but not limited to, a sales clerk, owner or operator who unlawfully sells or distributes tobacco products to minors shall be penalized as follows: 1st offense, **\$25** 2nd offense, **\$100** 3rd and subsequent offense, **\$250** Section 407.931

Owners of establishments where tobacco products are sold who unlawfully sells or distributes tobacco products to minors shall be reprimanded for the first violation within two years a reprimand by the DLC; for the second violation within two years the owner shall receive a citation **prohibiting the selling tobacco products for twenty-four hours**; for the third violation within two years the owner will receive a citation **prohibiting the selling tobacco products for a forty-eight hour period**; for the fourth and any subsequent violations within two years the owner will receive a citation **prohibiting tobacco product sales for a five day period**. Section 407.931

Missouri Revised Statutes Chapter 407

Merchandising Practices Section 407.926

1. Any person or entity who sells tobacco products shall deny the sale of such tobacco products to any person who is less than eighteen years of age.
2. Any person or entity who sells or distributes tobacco products by mail or through the Internet in this state in violation of subsection 1 of this section shall be assessed a fine of two hundred * fifty dollars for the first violation and five hundred dollars for each subsequent violation.

Merchandising Practices Section 407.927

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state law for cigarettes or other tobacco products to be sold or otherwise provided to any person under the age of eighteen or for such person to purchase, attempt to purchase or possess cigarettes or other tobacco products." and
2. Include a depiction of a

pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18."

Merchandising Practices Section 407.929

1. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if any ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen.

2. The operator's or chauffeur's license issued pursuant to the to the provision of section 302.177, RSMo, or the operator's or chauffeur's license issued pursuant to the laws of any state or possession of the United States to residents of those states or possessions, or an identification card as provided for in section 302.181, RSMo, or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the division of liquor control or any owner or employee of an establishment that sells tobacco, for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen years of age when such person desires to purchase or possess tobacco products procured from a

registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card, or passport.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment.

4. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of subsections 1, 2, and 3 of section 407.931. No person shall be liable for more than one violation of subsections 2 and 3 of section 407.931 on any single day.

There are further laws that pertain to Merchandising Practices. If you would like further information on these laws or would like a full copy of the laws pertaining to tobacco retailers please contact the Regional Support Center and we will be glad to provide you with the documents.

State Initiatives aimed at Youth Tobacco Access



The Retailer Training Campaign brought to you by the State of Missouri increases the amount of money that comes to our state.

Law Enforcement Surveillance: The Division of Alcohol and Tobacco gained responsibility for enforcement of tobacco laws on August 28, 2001. The DATC is currently the only agency charged with the responsibility to enforce the tobacco control laws of the State of Missouri. In previous years, the enforcement of tobacco laws by DATC was accomplished with surveillance type investigations. This type of enforcement does not easily measure the effectiveness of the enforcement. Compliance checks have been recognized as an excellent method to attack the problems associated with the unlawful sale or distribution of tobacco products. The DATC requires each of its three Districts to complete twenty compliance checks a month. Should the retailer be in non-compliance and cited for violation of Sale or Supply of tobacco products to a minor, a second compliance check or re-inspection check is in addition of the twenty compliance checks scheduled for the month. For FY 2006 the DATC received only 4 tobacco complaints. In FY 2006 there 3955 people trained on tobacco product law. Seventy-one retailer received letters of reprimand, one received a suspension of sales, and twelve have pending dispositions. There were 50 guilty dispositions for the sale of tobacco products to minors totaling in \$2787.50 in fines, one person served one day in county jail. Ten minors plead guilty to possession/attempt to purchase tobacco by a minor with \$615.00 collected in fines. The St. Louis District (which our service area falls into) completed 2,352 inspections, 4,834 investigations, 62 server trainings with 1,199 people trained.

Synar Amendment: The Center for Substance Abuse Prevention oversees the implementation of the Synar Amendment, which requires states to have laws in place prohibiting the sale and distribution of tobacco products to persons under the age of eighteen and to enforce those laws effectively. States are to achieve a maximum sales to minors rate of not greater than 2 percent. Missouri was awarded \$26,384,412.00 in FFY05 through the Substance Abuse Prevention and Treatment Block Grant. The SAPT Block Grant amount for FY06 was \$26,062,300.00. If the state fails to meet the Synar regulations, it stands to lose 40% of its SAPT funding.

Retailer Training: According to CSR 20-3.010, retailers must receive a minimum of a training that does not exceed ninety minutes that includes the following:

1. The state laws pertaining to the sales of tobacco products.
2. Federal regulations pertaining to the sales of tobacco products.
3. What constitutes a valid identification.
4. How to determine the validity of and identification and to detect fake, invalid and/or altered identifications.
5. The refusal and denial of sales to a minor without proper identification process.

An owner can be exempt from the above training if they have had an in house tobacco compliance training in which all employees selling tobacco products attended and the training program meets the above requirements. Each employee attending a tobacco product sales training should receive a certificate upon completion of the program stating that they have attended the training and understand the state and federal laws and regulations regarding the sale of tobacco products. These training certificates can be requested by authorities at anytime.

The Regional Support Center is available to provide the above retailer training.





Family Counseling Center, Inc.

Regional Support Center

Jessica Howard, Program Director
 Jill Rickman, Prevention Educator
 925 Hwy V V
 PO Box 71
 Kennett, MO 63857
 Phone: 573-888-5925
 Fax: 573-888-9365
 E-mail: c2000@familycounselingcenter.org



Please Mail To:

“An Ounce of Prevention is Worth a Pound of Cure.”



Why prevention efforts must continue

Reason 1 One in seven Missouri high school students reported smoking a whole cigarette for the first time before age 13.

Reason 2 The percentage of Missouri youth who try cigarette smoking escalates throughout middle and high school.

Reason 3 One if 15 Missouri high school students reported using smokeless tobacco in the past month.

Reason 4 Tobacco use is the single most avoidable cause of disease, disability, and death in the United States.

Reason 5 Missourians spend an estimated \$2.13 billion annually treating smoking-related illness.

Reason 6 Each year tobacco use results in an estimated 132,000 years of life lost due to premature death.

Reason 7 Approximately 140,000 Missouri youth who are now alive will ultimately die prematurely



Help prevent youth from premature death by doing your part and not selling tobacco products to minors.

from smoking.

Reason 8 21.3% or 70,300 high school students report that they smoke.

Reason 9 Three out of five or 77% of 12 to 17 year olds who had smoked in the last month stated they had purchased their own cigarettes (2003 NSDUH survey).

Reason 10 Older youth who smoke are supplying younger youth with cigarettes they have unlawfully purchased from retailers.

Reason 11 to 9,900 That is the total number of youth under 18 who become a new smoker each year in Missouri.