

Tobacco Compliance Checks

What are tobacco compliance checks and how do they work?

A tobacco compliance check is a tool to identify establishments that sell tobacco to underage youth. The practice of conducting a tobacco compliance checks can be:

- Mandated by a local ordinance that outlines standards for conducting the checks, people or agencies responsible for conducting the compliance checks, and penalties for establishments, servers and sellers who illegally sell or serve tobacco to underage youth.
- Voluntarily implemented by law enforcement or licensing authorities.

Tobacco compliance checks can be used for two purposes:

- Enforcement: to enforce state criminal statutes, local administrative ordinances, or both.
- Educational: to identify, warn, and educate establishments that serve or sell tobacco to underage youth.

Generally, compliance checks are implemented by the following procedures:

- Tobacco licensees are informed that compliance checks will occur at various times throughout the year and about potential penalties for selling to underage youth.
- While an enforcement agent (police officer) waits outside the premises, a person under the age of 18 attempts to purchase a tobacco or nicotine product.
- If the establishment sells to the young person, the enforcement agent may issue a citation to the license holder, the server, both or neither, depending on how the compliance check is being funded.

Note : When conducting compliance checks for the purpose of enforcing state or local laws, the young person attempting to purchase alcohol (the buyer) must be underage. If the buyer is not actually underage, no law would be violated when an establishment sells to the buyer.

Why compliance checks are important for your community

- **In many communities, youth are able to purchase tobacco products at commercial outlets.** Several studies show that in communities where there is little or no enforcement, youth can buy alcohol and/or tobacco without showing age identification in 45-50% of their attempted purchases. Compliance checks may be the most effective method for enforcing age-of-sale laws and decreasing the commercial availability of tobacco to youth.