



# FACT SHEET

## TOBACCO SALES TO MINORS (THE SYNAR AMENDMENT)

### History

Federal lawmakers passed Section 1926 of Title XIX of the Federal Public Health Service Act, commonly called the Synar Amendment, in 1992. The Synar Amendment requires states to pass and enforce laws that prohibit the sale of tobacco to individuals under 18 years of age. On January 19, 1996, the United States Department of Health and Human Services issued the final implementation regulations for the Synar Amendment. Although California law prohibits the sale of tobacco products to minors (Penal Code Section 308; Statutes of 1991; last amended in 2001), the law was not sufficient to meet the enforcement requirements of the Synar Amendment. After the Synar-proposed regulations were released but before the final regulations were issued, the California Legislature passed the Stop Tobacco Access to Kids Enforcement (STAKE) Act, Chapter 1009, Statutes of 1994; last amended in 2001.

Compliance with the Synar Amendment is a condition of funding for states receiving the Substance Abuse Prevention and Treatment (SAPT) block grant. Forty percent (40%) of the block grant funding can be withheld for not complying with the Synar Amendment.

### Federal regulations

Briefly, the Synar Amendment requires California to:

- Achieve no more than a 20% rate of illegal tobacco sales to minors

- Draw a probability sample among all available retail outlets accessible to youth, and conduct annual random unannounced inspections. This percentage figure is used to establish whether the State is in compliance with the Synar Amendment (the 2011 annual percentage rate was 5.6%).
- Determine strategies that would most appropriately meet the requirement of the law (i.e., licensing system, graduated penalties, cigarette vending machine ban, etc.)

### State mandates

The California STAKE Act (Business and Professions Code Sections 22950-22961) mandates the following ongoing activities:

- California's Department of Public Health (DPH) shall enforce laws prohibiting the sale, distribution, or provision of tobacco products to persons under 18 years of age.
- Investigators from DPH, Food and Drug Branch, shall conduct on-site compliance checks with the assistance of minors (15-16 years old) who are granted immunity from prosecution.
- Retailers of tobacco products shall check the identification of anyone attempting to buy tobacco who appears to be under 18 years of age and post a warning sign at each point of sale, stating that selling tobacco products to minors is illegal and subject to penalties. Warning signs must include a toll-free telephone number (1-800-5

ASK-4-ID) for customers to report observed tobacco sales to youth under 18 years old. The owner of a business where tobacco is sold or provided to a minor is subject to civil penalties ranging from \$200 to \$6,000.

- All tobacco product distributors and wholesalers shall annually provide DPH with the names and addresses of the tobacco product retailers that they supply.
- Tobacco billboards are not to be positioned within 1,000 feet of schools and public playgrounds.
- The annual transfer of \$2 million from the Department of Alcohol and Drug Programs' SAPT Block Grant to the Sale of Tobacco to Minors Control Account. These funds are used by DPH to administer the provisions of the Synar Amendment.
- DPH shall prepare an annual report regarding enforcement activities and their effectiveness.
- DPH shall conduct on-site compliance inspections in response to public complaints or at sites with previous violations (rather than choosing locations solely on a random basis), and investigate illegal sales of tobacco products to minors by phone, mail or internet.

For additional information, contact the Program Services Division, Prevention Services Branch, at (916) 324-4398.