Enforcing Tobacco Laws in Texas

www.texastobaccolaw.org

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Course Description and
TCLEOSE Continuing Education Credit

“Enforcing Tobacco Laws in Texas”

Purpose

The purpose of this course is to provide law enforcement officers a training opportunity to learn tobacco laws and enforcement protocols in order to assist with enforcing tobacco laws in their schools and communities.

The course will support and maintain an infrastructure of law enforcement officers trained to enforce tobacco laws in an effort to prevent youth use and access to cigarettes and tobacco products.

Due to the recent reductions in tobacco enforcement funding for law enforcement community agencies and school-based police, supporting this infrastructure is essential for the health and safety of our youth.

This course is also recommended for all tobacco prevention professional interested in learning more about tobacco legislation and enforcement protocols.

Course Instructors

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Course Overview

Each training module will include the following:

1. Tobacco Legislation
2. Retailer Education
3. Judicial and Court Personnel Education
4. Community-Based Tobacco Law
5. School-Based Tobacco Law
6. Youth Prevention Initiatives

TCLEOSE Continuing Education Credits

After completing each module, you will be directed to take a final comprehensive exam. A passing score of 70 or above is required. The test will cover information presented from each of the modules. In order to receive TCLEOSE credit, you must take and pass the final exam. No exceptions will be made.

- TCLEOSE Course Credit Hours – 4 hours
- TCLEOSE Course ID# - 3151 (Health and Safety Code)

After completing the final exam, you will be required to provide certain information to process your TCLEOSE credit. You are required to provide the following information:

1. Name
2. Agency Name
3. Date of Birth
4. PID #
5. Email Address

Failure to provide the required information will result in your TCLEOSE credit not being processed. No exceptions will be made.

You will also be required to complete a course evaluation.

For more information regarding TCLEOSE continuing education credit, please contact me at km60@txstate.edu.
Module 1

Tobacco Legislation & Enforcement Protocols

Learning Objectives:

1. The student will be able to define two of the four key provisions of the Synar Amendment.

2. The student will be able to identify two key provisions of the Texas Tobacco Law (Health and Safety Code 161).

3. The student will be able to identify two of the six strategies of the Tobacco Prevention and Enforcement Program.
Tobacco Legislation & Enforcement Protocols

There are several key landmarks in tobacco legislation that impact tobacco enforcement in Texas:

**Synar Amendment, 1992**

Passed in 1992 as an amendment to the reauthorization bill for what is currently the Substance Abuse and Mental Health Services Administration (SAMHSA), the Synar Amendment contains the following key provisions:

- States must have laws that ban the sale (not possession) of tobacco to persons less than 18 years of age.
- States must enforce these laws in a manner that can be expected to reduce the availability of tobacco to minors.
- States must submit annual reports to the Secretary of Health & Human Services describing their efforts to reduce tobacco access to minors.
- States must use "random, unannounced inspections" of retailers to determine if the laws are being adhered to.
- States must develop a strategy and time frame for achieving an inspection failure rate of less than 20% of outlets accessible to youth.
- Health & Human Services is authorized to withhold up to 40% of a state’s federal substance abuse funds if it is determined that states are not enforcing their tobacco sales to minors laws.

**Pro-Children’s Act of 1994**

Public Law 103-227, the Pro-Children’s Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children. Applicable Federal funds for these types of children’s services include grants, cooperative agreements, loans, loan guarantees, and contracts, as well as funds for construction, maintenance, and operations that are awarded by the Departments of Health and Human Services, Education, or Agriculture.

**Tobacco-Free Schools, 1995**

Senate Bill 1, 74th Legislature, addressed tobacco on or off school property. School boards are directed to prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property; prohibit students from possessing tobacco products at a school-related or school-sanctioned event on or of school property; and ensure that school personnel enforce these policies.

**Senate Bill 55 – Youth Access to Tobacco Products, 1997**

Senate Bill 55, 75th Legislature, passed one of the strongest and most comprehensive tobacco laws in the country. This legislation has since been codified into Health and Safety Code Chapter 161, Texas Tobacco Law. Aimed at reducing children’s access to tobacco products, the law also provided for comprehensive public education regarding the dangers of tobacco use.
Key provisions of the Texas Tobacco Law include:

- Authorizes the Comptroller to make block grants to counties and municipalities to be used by county sheriffs and municipal chiefs of police.
- Prohibits minors from buying or using tobacco products.
- Requires retailers who sell tobacco products to ask for proof of identification from anyone purchasing tobacco whom appears to be under 27 years of age.
- Prohibits minors from possessing tobacco products except in the presence of the minor’s parent, guardian, or adult spouse.
- Penalizes minors for violating the law by requiring them to attend an eight-hour tobacco awareness program, perform tobacco-related public service, or pay a fine of up to $250. Also allows a judge to suspend or delay the issuance of a minor’s driver’s license for up to six months and/or require the parent/guardian of a minor to attend tobacco awareness class along with the minor.
- Prohibits sale of “kiddie packs,” containing fewer than 20 cigarettes. (Tax Code)
- Prohibits outdoor advertising of tobacco products within 1,000 feet of a church or school.
- Restricts cigarette vending machines and other self-service sales except in places not open to those under 18 or in places used as cigar humidors.

Texas Tobacco Settlement, 1998

In 1998, Texas sued tobacco companies based on violation of anti-trust, consumer protection, fraud, conspiracy, and racketeering laws. Documents utilized by the state showed that tobacco companies have blatantly marketed their products to children, routinely regulated nicotine levels in their products to addict users, and practiced other rogue activities. As a result of the settlement, the State of Texas will receive $17.3 billion over the next 25 years as compensation for tobacco-related Medicaid costs to the state.

The Texas Legislature set aside $200 million endowment for tobacco prevention. The Texas Department of Health, now Department of State Health Services was charged with executing a comprehensive program to reduce tobacco use in Texas using the interest earned on the endowment each year. The 76th session of the Texas Legislature (1999) allocated $10 million annually in tobacco settlement funds to conduct a pilot study that would determine the most effective ways to prevent tobacco use and promote cessation among Texans of all ages.
FDA Legislation, 2009

On June 22, 2009, President Barack Obama signed into law The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act/TCA). This historic legislation granted the U.S. Food and Drug Administration (FDA) the authority to regulate tobacco products. The FDA established the Center for Tobacco Products (CTP) to regulate the manufacture, marketing, and distribution of tobacco products to protect public health and to reduce tobacco use by minors.

Restricts cigarettes and smokeless tobacco retail sales to youth

- Require proof of age to purchase tobacco products – the federal minimum age to purchase is 18
- Require face-to-face sales, and limits vending machines and self-service displays
- Bans the sale of packages of fewer than 20 cigarettes
- Allow certain exemptions in adult-only facilities

Restricts tobacco product advertising and marketing to youth

- Limit color and design of packaging and advertisements, including audio-visual advertisements
- Ban tobacco product sponsorship of sporting or entertainment events
- Ban free cigarettes and promotional products, including non-tobacco products linked to tobacco products
- Prohibits “reduced harm” claims including “light,” “low,” or “mild

<table>
<thead>
<tr>
<th>Products Covered</th>
<th>Products Not Covered</th>
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<tbody>
<tr>
<td>Cigarettes</td>
<td>Cigars</td>
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<tr>
<td>Roll-Your-Own Tobacco</td>
<td>Pipe Tobacco</td>
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<tr>
<td>Smokeless Tobacco</td>
<td>Nicotine Patch</td>
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<td>Dissolvable Tobacco</td>
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<td>Hookah Tobacco</td>
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<td></td>
<td>Dried Tobacco Leaf</td>
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<td>Electronic Cigarette</td>
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Penalties for Violating the Tobacco Control Act (TCA)

- Warning Letter
- Civil Money Penalties
- No-Tobacco-Sale Order
- Seizure of Illegal Products
- Injunction
- Criminal Prosecution
FDA has authority to enforce all the provisions of this new law including contracts to States, U.S. Territories and Tribal Nations to assist FDA with enforcement as well as a broad set of sanctions for violations of the law.

The Texas Department of State Health Services received a contract from FDA to enforce the provisions of the TCA in Texas and is contracting with the Texas School Safety Center (TxSSC) at Texas State University-San Marcos to conduct the FDA State Compliance Check Inspection Program requirements:

- Undercover Buy Compliance Check Inspections
- Advertising and Labeling Compliance Check Inspections

The Texas School Safety Center is working with FDA-Commissioned Inspectors around the state in the field conducting Undercover Buys and Advertising and Labeling Compliance Check Inspections, collecting evidence and submitting to FDA for review.

The Tobacco Control Act has two main parts:

1) Access provisions, which consist of restriction on the sale of cigarettes and smokeless tobacco products, and

2) Restrictions on advertising, marketing, and promotion of cigarettes and smokes tobacco products

The regulations are located in 21 CFR Part 1140

For more information, go to:
www.fda.gov/tobacco
The purpose of the Synar Inspection Survey is to accurately measure the prevalence of statewide sales from tobacco products to minors in Texas. The state of Texas measures the progress in reducing youth access to tobacco using the results of the Synar Inspection Survey, and can implement additional successful comprehensive youth control programs to reduce tobacco use in the areas of most need.

The goal of the Synar project is to reduce the number of successful illegal purchases by minors to no more than 20 percent of attempts. Prevention of retail tobacco sales is one strategy within a larger public health approach to reduce the consumption of tobacco products by youth. Preventing the use of tobacco products by youth provides an important opportunity to reduce or prevent the death and disability that accompanies tobacco use. One part of a comprehensive strategy to reduce youth tobacco use is to reduce youth access to tobacco products. Compliance with this amendment prevents the state from receiving a penalty of 40 percent of the Federal Substance Abuse Prevention and Treatment Block Grant Funding, which funds substance abuse service around the state.

The Synar Survey is a key component of the Synar Amendment regulations implementing Sections 1926 of the Public Health Service Act, Synar Legislation, which is a federal project passed down to all states in accordance with the guidelines from the Substance Abuse Mental Services Administration’s (SAMHSA) Center for Substance Abuse Prevention (CSAP). All states must maintain a Retailer Violation Rate of less than 20 percent.

The survey consists of:

- Conducting inspections at approximately 1,650 randomly selected tobacco permitted retail outlets in 19 of state’s 254 counties.
- Using law enforcement officers and minor decoys 15 to 17 years of age.
- Completion within a 45-day period between June and July of each year.
- Results of Synar Inspection Survey determines the annual Retailer Violation Rate.
- Synar Inspection Survey information submitted with the annual block grant application to CSAP for approval.

The Texas School Safety Center (TxSSC) conducts the annual Texas Synar Inspection Survey through a contract with the Department of State Health Services (DSHS).
Selection of Counties for Synar Inspection Survey

DSHS selects 19 counties from the 11 Health and Human Services Commission (HHSC) Regions of the state for participation in the annual Synar Inspection Survey. Seven counties with the largest retail outlet population are selected every year (Stratum A). The remaining 12 counties are randomly selected each year according to county outlet density/size. (Stratums B, C, and D).

<table>
<thead>
<tr>
<th>Stratum A Counties w/ 500 + Outlets</th>
<th>Stratum B Counties w/ 100 – 499 Outlets</th>
<th>Stratum C Counties w/ 26 – 99 Outlets</th>
<th>Stratum D Counties with less than 26 Outlets</th>
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<tr>
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<td>El Paso</td>
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Synar Results Notification for Local Communities

Local law enforcement agencies will be notified in writing of violations occurring during the annual Synar Survey.

Information submitted in the report to the law enforcement agency includes the outlet name and address, vendor number of outlet, name of tobacco product sold, clerk gender, and approximate age of clerk.

The law enforcement agency that receives this notice information is directed to conduct a controlled buy at the same retail outlet that sold a tobacco product to a minor. The law enforcement agency may also provide educational materials to the store manager/clerks.

History of Texas Synar Violation Rates

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<td>11.3%</td>
<td>11.3%</td>
<td>9%</td>
<td>11.3%</td>
<td>Pending</td>
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</table>

*Texas law became effective on September 1, 1997*
Tobacco Prevention and Enforcement Strategies

Reducing minor’s access is the ultimate goal of applying the tobacco prevention and enforcement strategies. Enforcement of our state’s tobacco control laws sends a message to the public that community leaders believe these policies are important. In Texas, this effort involves a multi-pronged approach: providing compliance education to retailers and school-aged youth, enforcing laws on retail sales of tobacco products to minors, and citing minors who are in possession of tobacco. According to the Centers for Disease Control and Prevention, numerous studies have shown that a combination of educating retailers along with active, graduated enforcement of tobacco access laws is most effective in reducing illegal sales to minors.

Compliance Education of Tobacco Retailers

Providing comprehensive merchant education, including information on health effects, before enforcement activity begins will help build support among retailers for enforcing sales restrictions and can deter retailer violations.

Compliance Inspections

After retailers have been educated on how to comply with tobacco access law, compliance inspections are necessary. Compliance inspections reinforce to permit holders the importance of abiding by the tobacco laws. They can also be an opportunity for retailers to get on-site assistance if they are not in compliance.

Controlled Buys/Stings

After retailers have been educated on compliance with the tobacco laws and they have received on-site assistance, the next step is to test for compliance. Conducting controlled buys using a minor decoy will identify retailers who refuse to obey the law and continue to sell cigarettes and/or tobacco products to minors.

Follow up on Violators and Non-Violators

Following up on violators will emphasize the importance and impact of compliance through fines and penalties. Following up on non-violators will establish and keep good rapport with the retailers and will promote voluntary compliance. Certificates of Recognition can be used to reward compliant retailers. These are available upon request from the Comptroller’s office.

Tobacco Prevention Education to Community and Youth

Providing comprehensive tobacco prevention education, knowledge of the laws regarding possession of tobacco by minors, and the consequences of violating those laws are critical to conveying the importance of children not using tobacco. This education should include information on health effects of tobacco along with prevention strategies to minors' using tobacco.

Enforcement of Minor in Possession (MIP)

Educating and enforcing retailer compliance with tobacco laws may keep youth from purchasing tobacco products. However, young people will turn to social sources (e.g. older friends and family members) of tobacco products as commercial sources are reduced. Assessing the fines and penalties associated with a Minor in Possession infraction may deter youth from smoking in the future.
Module 2
Retailer Education

Learning Objectives:

1. The student will be able to identify the topic areas that need to be covered during retailer education.

2. The student will be able to identify 3 ways to conduct a retailer education event.

3. The student will be able to identify 5 opportunities to deliver tobacco education and prevention messages.
Retailer Education

Providing comprehensive education of the Texas tobacco laws to retailers on the illegal sale of tobacco to minors and the consequences of violating these laws is critical to maintain compliance with state and federal laws, and most importantly, reducing youth use and addiction of tobacco.

It is recommended that retailer education be the preliminary focus of tobacco enforcement programs. Providing comprehensive education of all the Texas tobacco laws to retailers benefits our youth by drastically reducing youth use and potential for addiction. It also allows law enforcement officers to develop a positive rapport with retailers, and may promote voluntary retailer compliance in addition to changing attitudes and tobacco-selling behavior among retailers. Retailer education also provides retailers with the tools and information to establish a set of practices to successfully refuse purchase attempts by minors.

There 5 key strategies to approach retailer education:

1. Implement a retailer education program for all retailers prior to conducting enforcement actions
2. Introduce retailer education materials developed by the Comptroller’s Office
3. Provide an overview of the Texas tobacco laws
4. Provide an overview of your agency’s enforcement action plans
5. Explain the consequences of violating the Texas tobacco laws

Educate all Retailers Prior to Conducting Enforcement Actions

Be sure to obtain a vendor list from the Comptroller’s Office. The vendor list includes all retail locations with a tobacco permit. Also remember to order Texas Guidelines for Retail Tobacco Sales Packets.

Education components should include overview of tobacco laws, consequences of selling tobacco to a minor, consequences for minor’s purchasing and/or possessing a cigarette or tobacco product, health effects of tobacco use, and prevention strategies to reduce minor’s access and use of cigarettes or tobacco products.

Education may consist of presentations, trainings, and events that provide information regarding Texas tobacco laws and prevention. This should include youth access to tobacco, cessation, prevention, and health issues. It is a part of a comprehensive approach to tobacco prevention and control.

What to include in retailer education:

- Review the Comptroller’s retailer packet
- Legal requirements of Texas tobacco law
• Checking for identification (no ID, no sale!)
• Refusing a sale
• Consequences of violating tobacco laws

How to set up a retailer education event:

There are several options when it comes to conducting the actual retailer education event. Law enforcement agencies have discovered that depending on their community, some systems work better than others. Below are some suggestions, but ultimately, your agency can determine what works best for the retailers in your community.

• Advertised retailer education class: Put a notice in the local newspaper advertising that on a given night retailer education of tobacco laws will be provided at a community center or local restaurant. All retailers in the community are invited.

• Store employee presentations: Offer to conduct a presentation at individual stores in which their employees can all obtain training in a classroom/group setting. This has worked with larger retail chains.

• Individual clerk education: This may mean that you are educating one person at a time. In order for this to qualify as retailer education, it is necessary for you to have the undivided attention of the retailer and be away from job duties. You may need to coordinate with store employees to have clerk away from these duties.

Valid Forms of Identification include:

• Driver’s License with picture from Texas or another state
• State issued Identification Card
• Passport
• Other ID Card issued by a state or federal government that displays the person’s photo, name, address, date of birth, physical description and signature

Note: Student ID cards are not valid for purchasing tobacco products

How to refuse a sale:

Educate the retailer on how to deal with various scenarios during a refusal of sale.

If the customer refuses to show the ID:

• Be courteous
• Decline sale and repeat law that prohibits sale of tobacco to minors
• Remove tobacco product from counter; do not ring up sale
If the customer becomes abusive:

• Stay calm; refer customer to supervisor
• Notify law enforcement if criminal act occurs

Introduce Retailer Education Materials Developed by the Comptroller’s Office

The Texas Guidelines for Retail Tobacco Sales information packet was developed to educate all retailers who sell cigarettes, cigars, and tobacco products. This packet is mailed to the permit holder at the time of the permit renewal or when a permit is issued to a new retail store. The packet includes a letter from the Comptroller, warning signs, vending machine warning signs, forms and copies of the Administrative Rule for warning signs and penalties.

Resources for conducting retailer education:

• Comptroller’s retailer education packet: Sample PowerPoint presentations and printable handout materials can be ordered at no charge at the Comptroller’s Office (800-252-1389), request packet #425.

• Sample PowerPoint presentation is available at: www.txtobaccoenforcement.com
Provide An Overview of the Texas Tobacco Laws for Retailers and Employees

- Tobacco permits are required to sell cigarettes or tobacco products
- Vending machines are prohibited in businesses with direct access to minors
- Prohibits customers from having direct access to cigarettes or tobacco products/vendor assisted

Tobacco Law for Retailers and Employees includes:

- Asking for ID from all customers under the age of 27
- Prohibiting the selling or providing of tobacco products, or giving coupons for tobacco purchases to persons under 18 years old
- Prohibiting the sale of loose cigarettes/cigarettes in packages of less than 20
- Requiring the display of the appropriate warning sign

  *Note: WE CARD Program is not a state approved sign*

Retailer Employee Notification Form

It is the supervisor’s responsibility to have employees sign the Retailer Employee Notification Form detailing the consequences of violating the law within 72 hours of being hired.

Provide an Overview of Your Agency’s Enforcement Actions

Retailer compliance with tobacco laws is enforced through unannounced inspections. Two types of inspections include:

1. “Compliance Inspection” by law enforcement officers, and
2. “Controlled Buys” or “Stings” using undercover law enforcement officers and minor decoys

Explain the Consequences of Violating the Texas Tobacco Laws

Penalties/Consequences include:

- Violation of Health and Safety Code Tobacco laws
  - Class C misdemeanor – Fine up to $500

- Retailers failure to adequately train employees on current law
  - 1st Offense $500
  - 2nd Offense $750
  - 3rd Offense $1,000 or a 3-day permit suspension

- Retailers selling cigarettes in packages of less than 20
  - $100

- Selling tobacco without a permit – Tax Violation
  - Class A misdemeanor – Penalty up to $2,000 (each day separate offense)
Retailer Education is being provided statewide by Tobacco Specialists at each of the state’s 11 Prevention Resource Centers (PRCs)

PRCs are funded to conduct Retailer Education through a contract with the Texas Department of State Health Services (DSHS)

Contact information for the PRC serving your area is in the Resource Section of this manual
Module 3
Judicial and Court Personnel Education

Learning Objectives:

1. The student will be able to identify 7 strategies to conduct judicial education in their community.

2. The student will be able to identify how to address judicial education efforts.

3. The student will be able to identify how to educate judges on the Texas youth Tobacco Awareness/Cessation courses.
Judicial and Court Personnel Education

Providing comprehensive education of the Texas tobacco laws to court personnel on the illegal sale of tobacco to minors and the consequences of violating these laws are critical to maintain compliance with state and federal laws, and most importantly, reducing youth use and addiction of tobacco.

Incorporating judicial education into your program will not only benefit the court personnel in your jurisdiction, but it will also foster a coordinated effort against tobacco sales to minors. Allowing your court personnel to have the knowledge and involvement in the tobacco enforcement efforts in your community will strengthen your ability to affect change.

In working with any judicial system, support from their staff will create less of a burden on officers when enforcement actions have been taken. Some law violations have established fines and some are left to the discretion of the judges. Because of this, it is important that judges receive training on the importance of this mission, so that the penalty matches the violation.

Strategies to approach judicial and court personnel education:

1. Introduce information on the negative impact of youth tobacco use and show the importance of conducting tobacco enforcement
   - Tobacco Marketing – messages are everywhere, especially in newspapers, magazines, movies, concert, and sport events. Texas teens use cigarettes, cigars, and spit tobacco with the top three brands identified as, 1) Marlboro, 2) Newport, and 3) Camel
   - Tobacco as a Gateway Drug – The National Institute on Drug Abuse (NIDA) found that 12 – 17 year olds who smoke cigarettes are 14 times more likely to abuse alcohol, 100 times more likely to smoke marijuana, and 32 times more likely to use cocaine than their non-smoking peers. In addition, adolescents who smoke are more likely to be involved in risky behaviors than teenagers who have never smoked
   - Prevention Youth Use and Access – According to the Campaign of Tobacco Free Kids, 503,000 kids now under 18 and alive in Texas who will ultimately die prematurely from smoking and 29,100 Texas kids under 18 become NEW daily smokers. In addition, 66.1 million packs of cigarettes are bought and smoked by kids each year

2. Explain how retailer education efforts will be addressed and demonstrate that the focus is on fairness to retailers by educating them prior to enforcing the laws.

• Educational Materials Available to Retailers - The Texas Guidelines for Retail Tobacco Sales packet was developed to educate all retailers who sell cigarettes, cigars and tobacco products. A packet is mailed to the permit holders at the time of permit renewal or when a permit is issued to a new store. The packet includes a letter from the Comptroller along with warning signs, vending machine warning signs, and various other educational materials. Additional packets are available by contacting the Comptroller’s Office at (800) 252-1389.

3. Identify what is required to substantiate a violation of sale to minor and find out what will be necessary “evidence” to determine guilt. (It is recommended that the officer’s eyewitness account of the transaction be utilized; rather than requiring the minor decoy to testify.) Educate the judges on the Texas Youth Tobacco Awareness / Cessation Courses.


• Suggested Penalties – The maximum penalty that can be issued to a minor in possession of cigarettes or tobacco products is up to a $250 fine. It is suggested that graduated fines for repeat offenders be given as follows: 1st offense - $100.00, 2nd offense – $200.00, and 3rd offense - $250.00, maximum allowed by law.

• Texas Youth Tobacco Awareness / Cessation Courses – When minors are cited for possession of cigarettes or tobacco products, the ticket is processed through the court system and the judicial system may instruct the minor to attend the Tobacco Awareness/Cessation Course. It is important for judicial and court personnel to understand these courses are remedial and not punitive and this may be the only opportunity for the minor to quit smoking. Courses are held over a two week period and are designed to change attitudes and behavior.

4. Determine what information is required to be on your agency’s Underage Buyer Agreement form. While a sample of the Underage Buyer Agreement form is provided in this manual, it is important to speak with your local court and city/county attorney to determine additional requirements.

• Agency and Commanding Officer information
• Effective dates of operation and agreement
• Name and age of minor decoy
• Name and address of custodial parent/guardian
• List of basic rules minor is to follow when participating as a minor decoy
• Minor decoy signature and date
• Custodial parent or guardian signature and date

5. Discuss how enforcement actions (inspections/stings and follow-ups) will be approached and explain protocols that will be used in recruiting, training, and protecting the minor decoys.

• Compliance Inspections are conducted not using minors

• Controlled Buy/Stings are conducted using minors and guidelines from Health and Safety Code, Chapter 161.088 are followed as they relate to the age and appearance of the minor

• Recruiting Minors - Minors selected shall meet the demographic match for controlled buy sites. Minors with previous negative law enforcement experience are not recruited

• Training Minors – Minors are trained on the controlled buy protocol. Scenarios are used to assist them in identifying potential dangerous situations. Minors are trained to tell the truth regarding their age

• Compliance and Non-Compliance Follow-ups

• Complaint Follow-ups

6. Agree on a compliant filing procedure for addressing the enforcement actions and work out a plan with the judge and/or court clerk to make the filing process smooth and easy. Provide an overview of the penalties for violations.

• While most fines are set by current law, you may incur jurisdictions that assess reduced fines that are extreme.

• It is important to agree on procedures and fines as it creates uniform enforcement in all jurisdictional courts.

• If graduated fines are established, it reinforces the aspect that these fines are not meant to be punitive, but more of a diversion tool for minors to receive education regarding tobacco use.
7. Convey the importance of completing the Texas Cigarette/Tobacco Final Proceeding Report that is required by law.

- The state law establishes fines for 1\textsuperscript{st}, 2\textsuperscript{nd}, and 3\textsuperscript{rd} offenses for retailers. It is important to track the number of offenses so that the maximum fine is imposed.


- The courts initiate a Final Proceeding Report to the Comptroller of Public Accounts to report violation outcomes

- The Comptroller of Public Accounts will follow-up on the results to determine if issuance of a civil penalty is appropriate

- The best way to do this is to create a file for the offenders and track the offenses by using the \textit{Texas Cigarette/Tobacco Final Proceeding Report}. Provide copies of this form and explain how to complete the report.

- Determine if there is any way to expedite the submission of these forms (i.e. attaching a copy to the citation, completing a portion of the form ahead of time.)
# Texas Cigarette / Tobacco Final Proceeding Report

**Instructions:**
- Report all final proceedings in each month by the 10th of the following month.
- Use one form for each proceeding.
- This form may be photocopied, if needed.
- If you have questions concerning this form, please call 1-800-388-2663.
- Return form(s) to: COMPTROLLER OF PUBLIC ACCOUNTS
  - 10th Fl., SB55, Account Maintenance Division
  - 111 E 17th Street
  - Austin, TX 78714-0100

## I. Defendant
(Per Chapter 58 of the Family Code, please do not report personal information on minors.)

<table>
<thead>
<tr>
<th>Defendant</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
</table>

## II. Tobacco Permit Holder
(Information can be found on tobacco permits posted in business.)

<table>
<thead>
<tr>
<th>Permit Holder</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
</table>

## III. Violation Information

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HSC 161.082</td>
<td>Tobacco Products Sold to a Minor</td>
</tr>
<tr>
<td>HSC 161.084</td>
<td>Failure to Display Proper Tobacco Warning Sign</td>
</tr>
<tr>
<td>HSC 161.085</td>
<td>Failure to Notify Employee of Tobacco Laws</td>
</tr>
<tr>
<td>HSC 161.086(a)(1)</td>
<td>Minor’s Access to Tobacco Products</td>
</tr>
<tr>
<td>HSC 161.086(a)(2)</td>
<td>Minor’s Access to Tobacco Vending Machines</td>
</tr>
<tr>
<td>HSC 161.087</td>
<td>Distribution of Tobacco Products to Minors</td>
</tr>
<tr>
<td>HSC 161.122</td>
<td>Possession, Purchase, Consumption, or Receipt of Cigarettes or Tobacco Products by Minors Prohibited</td>
</tr>
</tbody>
</table>

## IV. Violation Type
(Please check appropriate box.)

- [ ] HSC 161.082 Tobacco Products Sold to a Minor
- [ ] HSC 161.084 Failure to Display Proper Tobacco Warning Sign
- [ ] HSC 161.085 Failure to Notify Employee of Tobacco Laws
- [ ] HSC 161.086(a)(1) Minor’s Access to Tobacco Products
- [ ] HSC 161.086(a)(2) Minor’s Access to Tobacco Vending Machines
- [ ] HSC 161.087 Distribution of Tobacco Products to Minors
- [ ] HSC 161.122 Possession, Purchase, Consumption, or Receipt of Cigarettes or Tobacco Products by Minors Prohibited

## V. Court Information

<table>
<thead>
<tr>
<th>Court</th>
<th>Court Name</th>
<th>County</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- [ ] Justice Court
- [ ] Municipal Court

## VI. Outcome of Case
(Please check all boxes that apply.)

- [ ] No Contest/Not Guilty Contended
- [ ] Guilty
- [ ] Deferred Adjudication
- [ ] Probation
- [ ] Dismissed
- [ ] Tobacco Awareness Classes
- [ ] Juvenile Probation
- [ ] Driver’s License Suspended

## VII. Person Completing Form

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
</table>

**Sign Here:**
Resources for Judicial and Court Personnel

- [www.txtobaccoenforcement.com](http://www.txtobaccoenforcement.com)
- [www.texastobaccolaw.org](http://www.texastobaccolaw.org)
- Comptroller of Public Accounts “Texas Guidelines for Retail Tobacco Sales” Retailer Education Packet
Module 4
Community-Based Tobacco Law
(Part 1 - Compliance Inspections)

Learning Objectives:

1. The student will be able to define a Compliance Inspection.

2. The student will be able to identify the 7 retailer compliance inspection points.

3. The student will be able to identify the key components of an appropriately displayed warning sign.

4. The student will be able to identify the citations given during a compliance inspection.
Community-Based Tobacco Law  (Part 1 - Compliance Inspections)

Authority to Enforce

Health & Safety Code § 161.088 – Enforcement; Unannounced Inspections

(a) The comptroller shall enforce this subchapter in partnership with local law enforcement agencies and with their cooperation and shall ensure the state's compliance with Section 1926 of the federal Public Health Service Act (42 U.S.C. Section 300x-26) and any implementing regulations adopted by the United States Department of Health and Human Services. Except as expressly authorized by law, the comptroller may not adopt any rules governing the subject matter of this subchapter or Subchapter K, N, or O.

(b) The comptroller may make block grants to counties and municipalities to be used by local law enforcement agencies to enforce this subchapter in a manner that can reasonably be expected to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons who are younger than 18 years of age. At least annually, random unannounced inspections shall be conducted at various locations where cigarettes and tobacco products are sold or distributed to ensure compliance with this subchapter. The comptroller shall rely, to the fullest extent possible, on local law enforcement agencies to enforce this subchapter.

(c) To facilitate the effective administration and enforcement of this subchapter, the comptroller may enter into interagency contracts with other state agencies, and those agencies may assist the comptroller in the administration and enforcement of this subchapter.

(d) The use of a person younger than 18 years of age to act as a minor decoy to test compliance with this subchapter shall be conducted in a fashion that promotes fairness. A person may be enlisted by the comptroller or a local law enforcement agency to act as a minor decoy only if the following requirements are met:

1. written parental consent is obtained for the use of a person younger than 18 years of age to act as a minor decoy to test compliance with this subchapter;
2. at the time of the inspection, the minor decoy is younger than 17 years of age;
3. the minor decoy has an appearance that would cause a reasonably prudent seller of cigarettes or tobacco products to request identification and proof of age;
4. the minor decoy carries either the minor's own identification showing the minor's correct date of birth or carries no identification, and a minor decoy who carries identification presents it on request to any seller of cigarettes or tobacco products; and
5. the minor decoy answers truthfully any questions about the minor's age.

(e) The comptroller shall annually prepare for submission by the governor to the secretary of the United States Department of Health and Human Services the report required by Section 1926 of the federal Public Health Service Act (42 U.S.C. Section 300x-26).

Valid Proof of Identification

Health and Safety Code § 161.083
Sale of Cigarettes or Tobacco Products to Persons Younger than 27 Years of Age

Provisions of the Law
Pursuant to federal regulation under 21 C.F.R. Section 897.14(b)

• A person may not sell, give, or cause to be sold or given a cigarette or tobacco products to someone who is younger than 27 years of age unless the person to whom the cigarette or tobacco product was sold or given presents an apparently valid proof of identification.

• A retailer shall adequately supervise and train the retailer’s agents and employees to prevent a violation.

• A proof of identification described in Section 161.082 satisfied the requirement listed above.

Penalty
Notwithstanding any other provision of law, a violation of this section is not a violation of this subchapter for purposes of 154.1142 or 155.0592 Tax Code.
Conducting Compliance Inspections

A compliance inspection is an enforcement process whereby law enforcement officers conduct inspections of retail establishments to determine retailers’ compliance with Texas Tobacco Law, specifically, Health & Safety Code, Chapter 161 and the Tax Code, Chapters 154, Cigarette Tax and 155, Tobacco Products.

NOTE: Best practice is to conduct Compliance inspections on a consistent and on-going basis throughout the year.

Getting an updated list of Retail Outlets in Your Jurisdiction

Prior to conducting compliance inspections, each agency should request a list of the retailers in your jurisdiction. Having a list available will allow your agency to maximize your planning efforts for inspecting all the retailers in your jurisdiction. The list will include the store name, address, zip code, permit number, and the outlet number.

Comparing this list to the locations of tobacco retailers in your jurisdiction can assist in identifying non-permitted retailers, as well as those that may no longer be in operation.

You can get the list of outlets by submitting a request on departmental letterhead to the Comptroller's office at fax number 512-463-3268.

Local law enforcement officers conduct on-site compliance inspections of cigarette or tobacco-permitted retail outlets without minor decoys.

When conducting a compliance inspection, officers check for the following seven (7) primary violations:

1. Display of outdoor advertising
2. Possession & display of tobacco permits
3. Sales of cigarettes of less than 20 per package (loose cigarettes)
4. Display of appropriate warning signs
5. Method of access to tobacco products
6. Giveaway of free tobacco samples and coupons to anyone under 18
7. Verify retail employee notification forms
1. Display of Outdoor Advertising

Health & Safety Code § 161.122 – Prohibition Relating to Certain Signs; Exceptions

(a) Except as provided by this section, a sign containing an advertisement for cigarettes or tobacco products may not be located closer than 1,000 feet to a church or school.

(b) The measurement of the distance between the sign containing an advertisement for cigarettes or tobacco products and an institution listed in Subsection (a) is from the nearest property line of the institution to a point on a street or highway closest to the sign, along street lines and in direct lines across intersections.

(c) This section does not apply to a sign located on or in a facility owned or leased by a professional sports franchise or in a facility where professional sports events are held at least 10 times during a 12-month period.

(d) In Subsection (c), a "facility” includes a stadium, arena, or events center and any land or property owned or leased by the professional sports franchise that is connected to or immediately contiguous to the stadium, arena, or events center.

(e) Subsection (a) does not apply to a sign containing an advertisement for cigarettes or tobacco products that, before September 1, 1997, was located closer than 1,000 feet to a church or school but that was not located closer than 500 feet to the church or school.

(f) A person commits an offense if the person places or authorizes the placement of a sign in violation of this section. An offense under this subsection is a Class C misdemeanor.


Who gets the citation?

The employee that is in care and custody of the store.

Note: In order to use the grandfather clause, the retailer’s sign has to be the original sign from before September 1, 1997 without any alterations, which includes repainting and repairs.
2. Possession and Display of Tobacco Permits

Tax Code § 154.101 – Permits (partial)

(a) A person may not engage in business as a distributor, wholesaler, bonded agent, manufacturer, importer, or retailer unless the person has applied for and received the applicable permit from the comptroller.

(b) Each distributor, wholesaler, bonded agent, manufacturer, importer, or retailer shall obtain a permit for each place of business owned or operated by the distributor, wholesaler, bonded agent, manufacturer, importer, or retailer.


Tax Code § 154.111 – Permit Year; Fees (partial)

(a) A permit required by this chapter expires on the last day of February of each year, except that the retailer's permit required by Section 154.101 expires on the last day of May of each even-numbered year.

Tax Code § 154.509 – Permits

A person commits an offense if the person:

1. as a distributor, wholesaler, or retailer, receives or possesses cigarettes without having a valid permit;

2. as a distributor, wholesaler, or retailer, receives or possesses cigarettes without having a permit posted where it can be easily seen by the public;

3. as a distributor or wholesaler, does not deliver an invoice to the purchaser as required by Section 154.203;

4. as a distributor, wholesaler, or retailer, sells cigarettes without having a valid permit; or

5. as a bonded agent, stores, distributes, or delivers cigarettes in unstamped packages without having a valid permit.


Tax Code § 155.041 – Permits (partial)

(a) A person may not engage in business as a distributor, wholesaler, bonded agent, manufacturer, importer, or retailer unless the person has applied for and received the applicable permit from the comptroller.

(b) Each distributor, wholesaler, bonded agent, manufacturer, importer, or retailer shall obtain a permit for each place of business owned or operated by the distributor, wholesaler, bonded agent, manufacturer, importer, or retailer.

Tax Code § 155.053 – Display of Permits

(a) Each permit holder shall keep the permit on public display at the place of business for which the permit was issued.

(b) Each permit holder who has a permit assigned to a vehicle shall post the permit in a conspicuous place on the vehicle.

(c) Each retailer who operates a vending machine that includes tobacco products shall place a retailer's permit on the machine.


Tax Code § 154.510 – Misdemeanor

An offense under Sections 154.502, 154.503, or 154.505 through 154.509 is a Class A Misdemeanor.


Who gets the citation?

Officers should not write citations for Tax Code violations. Tax Code violations should be reported to the Texas Comptroller of Public Accounts – Criminal Investigation Division.

Note: Photo copies of permits are not considered “valid” and would be a violation.
TEXAS CIGARETTE AND/OR CIGARS AND TOBACCO PRODUCTS TAXES PERMIT

This permit is not transferable, and this side must be prominently displayed in your place of business.

M & M FOOD MART
6895 US HIGHWAY 271 S
PATTONVILLE TX 75468-2529

PERMIT DESC: RETAILER

NAICS CODE: 453391 DESCRIPTION ON NEXT LINE: Tobacco Stores

This is to certify that the taxpayer named on this permit is authorized to engage in the cigarette, cigar and/or tobacco products business in the classification as shown for the period indicated, subject to the provisions of TEX. TAX CODE ANN. Ch. 154 and 155.

SUSAN COMBS
Comptroller of Public Accounts

You must obtain a new permit if there is a change of ownership, location, business location name or vehicle I.D.

<table>
<thead>
<tr>
<th>Permit number</th>
<th>10003012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expiration date</td>
<td>05/31/2014</td>
</tr>
<tr>
<td>Taxpayer number</td>
<td>0-00000-0000-0</td>
</tr>
<tr>
<td>Location/vehicle number</td>
<td>00001</td>
</tr>
<tr>
<td>Permit begin date</td>
<td>07/23/2012</td>
</tr>
</tbody>
</table>

All permits are issued subject to the provisions of the law. This permit may be revoked, suspended, or cancelled for a violation of any provision of any taxing statute administered by the Texas Comptroller of Public Accounts or any rule adopted by the Comptroller to administer those statutes. Receipt of this permit does not mean that the taxpayer to whom it is issued is in good standing with the Comptroller.

A new permit must be obtained in the event of any change in ownership, location, business location name or vehicle information. If the location on this permit is closed, or the vehicle is no longer in service, return the permit to the Texas Comptroller of Public Accounts and list the date of your last taxable business transaction. This permit is revocable and may be forfeited or suspended for any violation of any provision of the law or any rule adopted by the Comptroller of Public Accounts to administer the law.

For an existing business or vehicle, this permit replaces the permit you now hold for this location or vehicle. All previous permits of this type issued by the Texas Comptroller of Public Accounts are void.

SAM'S EAST INC
702 SW 8TH ST
BENTONVILLE AR 72716-6209

OPERATING WITHOUT A VALID PERMIT IS A VIOLATION PUNISHABLE BY A PENALTY OF NOT MORE THAN $2,000 PER DAY.

Legal citation: TEX. TAX CODE ANN. secs. 154.501 and 155.301.
Texas Vending Machine Permit

Cigarettes sold in vending machines should have this permit attached.

Warning Signs for Vending Machine
- Spanish and English
- Distributed to all retailers upon permit renewal
- Includes legislative mandated language "Purchasing or attempting…"
3. Sales of Cigarettes of Less Than 20 Per Package

Tax Code § 154.504 – Possession of Quantities Less than Individual Package

A person commits an offense and is subject to a $100 fine if the person sells cigarettes in quantities less than an individual package containing at least 20 cigarettes.


Who gets the citation?

Officers should not write citations for Tax Code violations. Tax Code violations should be reported to the Texas Comptroller of Public Accounts – Criminal Investigation Division.

Note: If an officer witnesses a sale of single cigarettes to anyone under the age of 18, it is also a violation of Health and Safety Code § 161.082, which is a Class C Misdemeanor. The citation should go to the employee selling the tobacco products.
4. Display of Appropriate Warning Signs

Health & Safety Code § 161.084 – Warning Notice

(a) Each person who sells cigarettes or tobacco products at retail or by vending machine shall post a sign in a location that is conspicuous to all employees and customers and that is close to the place at which the cigarettes or tobacco products may be purchased.

(b) The sign must include the statement:

PURCHASING OR ATTEMPTING TO PURCHASE TOBACCO PRODUCTS BY A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF TOBACCO PRODUCTS TO A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO $500, MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING (insert toll-free telephone number). PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT.

(c) The comptroller by rule shall determine the design and size of the sign.

(d) The comptroller on request shall provide the sign without charge to any person who sells cigarettes or tobacco products. The comptroller may provide the sign without charge to distributors of cigarettes or tobacco products or wholesale dealers of cigarettes or tobacco products in this state for distribution to persons who sell cigarettes or tobacco products. A distributor or wholesale dealer may not charge for distributing a sign under this subsection.

(e) A person commits an offense if the person fails to display a sign as prescribed by this section. An offense under this subsection is a Class C misdemeanor.

(f) The comptroller may accept gifts or grants from any public or private source to perform the comptroller's duties under this section.


STATE OF TEXAS
COMPTROLLER OF PUBLIC ACCOUNTS
CIGARETTE AND TOBACCO PRODUCTS REGULATION
Section 3.1202 Warning Notice Signs

(a) Warning Notice Signs. Each person who sells cigarettes or tobacco products at retail or by vending machines must post a warning notice sign in a location that is conspicuous to all employees and customers and that is close to the cash register, check-out stand, or vending machine where cigarettes or tobacco products may be purchased. It is a violation to intentionally fail to display a sign as prescribed by this section (a Class C misdemeanor).

(b) Sign Distribution. The comptroller upon request will provide the warning notice signs without charge to any person who sells cigarettes or tobacco products, including distributors or wholesale dealers of cigarettes or tobacco products in this state for distribution to persons who sell cigarettes or tobacco products. A distributor or wholesale dealer may not charge for distributing a sign under this subsection. Requests for the warning notice signs may be made by calling the Comptroller of Public Accounts toll free at 1-800-862-2260, or by writing to the attention of the Account Maintenance Division, Comptroller of Public Accounts, 111 East 17th Street, Austin, Texas 78774-0100. In Austin, call (512) 463-1693. A request must include the number of signs needed, and the person and address to whom the signs are to be mailed.

(c) Alternate Signs. Retailers, distributors, and wholesale dealers may develop their own warning notice signs provided the signs meet minimum size and design specifications, including wording and font size, described in subsection (d) of this section. A retailer, distributor, or wholesale dealer may submit a sample of its proposed sign for review to the address as noted in subsection (b) of this section.

(d) Sign Design and Minimum Size Requirements. The design, minimum size, and placement location of each sign are as follows.

(1) Design. Each sign must be designed according to the following:

(A) it must contain the following statutory language: "PURCHASING OR ATTEMPTING TO PURCHASE TOBACCO PRODUCTS BY A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF TOBACCO PRODUCTS TO A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO $500 MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING 1-800-345-8647. PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT."

(B) retailers must display the English version. The comptroller will make a Spanish version available. Both the Spanish and English versions may be posted.
(2) Size and Placement. The sign to be posted on or near:

(A) the cash register or check-out stand must be no less than 8-1/2 inches wide by 14 inches in length. The font size for the statutory language that must appear on the sign must be no less than 14-point type. An 8-1/2 inches wide by 14 inches in length warning notice sign must be conspicuous from each cash register or check-out stand where cigarettes or tobacco products may be purchased. If a retailer chooses, an additional 3 inches wide by 7 inches in length warning notice sign may be conspicuously placed on each cash register or check-out stand where cigarettes or tobacco products may be purchased;

(B) the vending machines must be no less than 3 inches wide by 7 inches in length. The font size for the statutory language that must appear on the sign must be no less than 10-point type.

(e) Effective Date. The warning notice signs must be displayed in the appropriate locations beginning January 1, 1998.

Effective Date: October 11, 2007.
Filed with Secretary of State: September 21, 2007.

SUSAN COMBS
Comptroller of Public Accounts
Copy of the New Retailer Warning Sign

SMOKING IS AN EXPENSIVE HABIT

MINORS FINED UP TO $250

Purchasing or attempting to purchase tobacco products by a minor under 19 years of age is prohibited by law. Sale or provision of tobacco products to a minor under 18 years of age is prohibited by law. Upon conviction, a Class C misdemeanor, including a fine of up to $500, may be imposed. Violations may be reported to the Texas Comptroller’s Office by calling (800) 345-8507.

Pregnant women should not smoke. Smokers are more likely to have babies who are born premature or with low birth weight.

Susan Combs
Texas Comptroller of Public Accounts
Retailer Warning Sign Still Valid

Who gets the citation?

*The employee selling the tobacco products.*

*Note:* *The Comptroller rule determines the size of the warning signs. Warning signs must be 8.5” by 14”.*
5. Method of Access to Tobacco Products

Health & Safety Code § 161.086 – Vendor Assisted Sales Required; Vending Machines

(a) Except as provided by Subsection (b), a retailer or other person may not:
   (1) offer cigarettes or tobacco products for sale in a manner that permits a customer
ten direct access to the cigarettes or tobacco products; or

   (2) install or maintain a vending machine containing cigarettes or tobacco products.

(b) Subsection (a) does not apply to:
   (1) a facility or business that is not open to persons younger than 18 years of age at
ten any time;

   (2) that part of a facility or business that is a humidor or other enclosure designed to
store cigars in a climate-controlled environment; or

   (3) a premises for which a person holds a package store permit issued under the
Alcoholic Beverage Code.

(c) The comptroller or a peace officer may, with or without a warrant, seize, seal, or
disable a vending machine installed or maintained in violation of this section. Property
seized under this subsection must be seized in accordance with, and is subject to
forfeiture to the state in accordance with, Subchapter H, Chapter 154, Tax Code, and
Subchapter E, Chapter 155, Tax Code.

(d) A person commits an offense if the person violates Subsection (a). An offense
under this subsection is a Class C misdemeanor.

Added by Acts 1997, 75th Leg., ch. 671, § 1.01, eff. Jan. 1, 1998. Amended by Acts 1999,
76th Leg., ch. 567, § 1, eff. Sept. 1, 1999.

Who gets the citation?

Who gets the citation?

The employee that is in care and custody of the store.
6. Giveaway of Free Tobacco Samples and Coupons to Anyone Under 18

Health & Safety Code § 161.087 – Distribution of Cigarettes or Tobacco Products

(a) A person may not distribute to persons younger than 18 years of age:
   (1) a free sample of a cigarette or tobacco product; or
   (2) a coupon or other item that the recipient may use to receive a free or discounted cigarette or tobacco product or a sample cigarette or tobacco product.

(b) Except as provided by Subsection (c), a permit holder may not accept or redeem, offer to accept or redeem, or hire a person to accept or redeem a coupon or other item that the recipient may use to receive a free or discounted cigarette or tobacco product or a sample cigarette or tobacco product if the recipient is younger than 18 years of age. A coupon or other item that such a recipient may use to receive a free or discounted cigarette or tobacco product or a sample cigarette or tobacco product may not be redeemable through mail or courier delivery.

(c) Subsections (a)(2) and (b) do not apply to a transaction between permit holders unless the transaction is a retail sale.

(d) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.

Who gets the citation?

The employee selling the tobacco products.
7. Verification of Retail Employee Notification Forms

Health & Safety Code § 161.085 – Notification of Employees and Agents

(a) Each retailer shall notify each individual employed by that retailer who is to be engaged in retail sales of cigarettes or tobacco products that state law:
   (1) prohibits the sale or distribution of cigarettes or tobacco products to any person who is younger than 18 years of age as provided by Section 161.082 and that a violation of that section is a Class C misdemeanor; and
   (2) requires each person who sells cigarettes or tobacco products at retail or by vending machine to post a warning notice as provided by Section 161.084, requires each employee to ensure that the appropriate sign is always properly displayed while that employee is exercising the employee's duties, and provides that a violation of Section 161.084 is a Class C misdemeanor.

(b) The notice required by Subsection (a) must be provided within 72 hours of the date an individual begins to engage in retail sales of tobacco products. The individual shall signify that the individual has received the notice required by Subsection (a) by signing a form stating that the law has been fully explained, that the individual understands the law, and that the individual, as a condition of employment, agrees to comply with the law.

(c) Each form signed by an individual under this section shall indicate the date of the signature and the current address and social security number of the individual. The retailer shall retain the form signed by each individual employed as a retail sales clerk until the 60th day after the date the individual has left the employer's employ.

(d) A retailer required by this section to notify employees commits an offense if the retailer fails, on demand of a peace officer or an agent of the comptroller, to provide the forms prescribed by this section. An offense under this section is a Class C misdemeanor.

(e) It is a defense to prosecution under Subsection (d) to show proof that the employee did complete, sign, and date the forms required by Subsections (b) and (c). Proof must be shown to the comptroller or an agent of the comptroller not later than the seventh day after the date of a demand under Subsection (d).


Who gets the citation?

The “retailer” (manager/owner) is responsible for notifying their hired employees. It is not the responsibility of the clerks to notify themselves, so do not issue the individual clerks a citation.
Example of the Cigarette and Tobacco Products – Employee Notification form.
Reporting Compliance Inspections


A local or state law enforcement agency or other governmental unit shall notify the comptroller, on the 10th day of each month, or the first working day after that date, of any violation of this subchapter that occurred in the preceding month that the agency or unit detects, investigates, or prosecutes.

Added by Acts 1997, 75th Leg., ch. 671, § 1.01, eff. Sept. 1, 1997.

Reporting a Compliance Inspection:

Reports of inspections are to be submitted to the Comptroller by the 10th of the month following the enforcement activity. The report forms can be obtained from the Comptroller’s website: www.txtobaccoenforcement.com or by calling the Comptroller’s office at (888) 284-2151.

NOTE: It is the responsibility of the designated agency contact to insure that report forms are completed properly and submitted in a timely manner, regardless of who actually fills out the forms.

The Texas Cigarette/Tobacco Inspection Report form is the reporting instrument for local or state law enforcement agencies or other governmental units to use to comply with the provisions of this law. While conducting the compliance inspection of a retail site, the officer should complete the Texas Cigarette/Tobacco Inspection Report by filling out the parts that are applicable to a compliance inspection:

- Part 1 – Date & Time of Inspection,
- Part 2 – Retailer Information,
- Part 3 – Store Observations,
- Part 5 – Court Information, and
- Part 6 – Law Enforcement Agency/Officer Information.

A form should be completed as the inspections are conducted for each retail site that is inspected. If a citation(s) was issued during the compliance inspection, the citation number should be legibly noted in the appropriate blank on the form.

Forms should be faxed to: (512) 463-3268
Or mailed to: Texas Comptroller’s Tobacco Enforcement Program
P.O. Box 13528
Austin, TX 78711-3528

- When reporting compliance inspections do not complete Part 4.
- Compliance inspections and stings should not be put on the same report.
- Compliance inspections should not be reported on compliance education reports.
Cigarette and Tobacco Inspection/Sting Monthly Report

If violation(s) occurred and citation(s) issued, include the citation number(s) on this report.

Part 1: Date and Time of Inspection/Sting

<table>
<thead>
<tr>
<th>1. Inspection date (month, day, year)</th>
<th>2. Time of inspection</th>
<th>AM</th>
<th>PM</th>
</tr>
</thead>
</table>

Part 2: Texas Cigarette/Tobacco Products Permit Information

<table>
<thead>
<tr>
<th>3. Cigarette/Tobacco Permit number</th>
<th>4. Expiration date (month, day, year)</th>
<th>Location number</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Name of store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Physical address</td>
<td>City</td>
<td>State</td>
</tr>
</tbody>
</table>

Part 3: Store Observations (Compliance inspection only)

| 7. Is there any outdoor advertising of tobacco within 1000 feet of a church or school? ... YES NO Cit. # |
| 8. Was the retailer's tobacco permit expired or invalid? ... YES NO See Part 3 of instructions. |
| 9. Were single, unpackaged cigarettes for sale? ... YES NO See Part 3 of instructions. |
| 10. Does the warning sign comply with state law? ... YES NO Cit. # |
| 11. Was clerk assistance necessary to obtain tobacco products? ... YES NO Cit. # |
| 12. Was there distribution of promotional items and/or coupons to minors? ... YES NO Cit. # |
| 13. Was there documentation of employee notification? ... YES NO Cit. # |

Part 4: Purchase Attempt (Controlled buy only)

| 14. Name of adult peace officer escort |
| 15. Did peace officer witness buy attempt? ... YES NO |
| 16. Minor's date of birth (month, day, year) |
| 17. Minor's gender: MALE FEMALE |
| 18. Clerk asked for age identification? ... YES NO |
| 19. Was sale to minor made? ... YES NO Cit. # |

Part 5: Court Information (Complete only if citation(s) issued)

<table>
<thead>
<tr>
<th>Court name</th>
<th>Court Phone number (area code and number)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street address</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>County</td>
</tr>
</tbody>
</table>

Part 6: Law Enforcement Agency/Officer Information

<table>
<thead>
<tr>
<th>Law enforcement agency name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law enforcement agency O.R.I. number</td>
</tr>
<tr>
<td>Agency phone number (area code, number, and extension)</td>
</tr>
<tr>
<td>Agency FAX number (area code and number)</td>
</tr>
<tr>
<td>Officer reporting (type of report, name, etc.)</td>
</tr>
<tr>
<td>Officer's ID number</td>
</tr>
</tbody>
</table>

I, the undersigned, am TCLOSEE certified, and hereby affirm that this report is a true and accurate representation of the law enforcement action undertaken.

sign here

FAX reports to (512) 463-3258.
# Instructions: Cigarette and Tobacco Inspection/Sting Monthly Report

## When conducting a COMPLIANCE INSPECTION

Complete ONLY Parts 1, 2, 3, 5 and 6. (Do not complete Part 4.)

**Part 1:** Provide the exact date and time at which the enforcement activity took place.

**Part 2:** Provide the tobacco retailer's permit information.

*Note: This information should be obtained from the actual permit that is located in the retail location and not pre-filled based on permit list received from the Comptroller's office. Tobacco permit numbers can be verified by contacting your local Comptroller's field office. Contact numbers can be obtained at [www.window.state.tx.us/taxinfo/fielddof.html](http://www.window.state.tx.us/taxinfo/fielddof.html).*

**Part 3:** Provide the results of the inspection. ALL questions must be answered. If a citation is written, the citation number MUST be provided.

*Note: If a violation is found regarding a Tax Code violation (Items 8 and 9), you must notify your local Comptroller's field office.*

**Part 4:** Leave this section blank when conducting a compliance inspection.

**Part 5:** If a citation was issued during this enforcement activity, provide all required court information. This information is utilized to follow up on citations that are written.

**Part 6:** Provide Law Enforcement Agency/Officer Information for verification and follow-up contact purposes.

## When conducting a CONTROLLED BUY

Complete ONLY Parts 1, 2, 4, 5 and 6. (Do not complete Part 3.)

**Part 1:** Provide the exact date and time at which the enforcement activity took place.

**Part 2:** Provide the tobacco retailer's permit information.

*Note: This information should be obtained from the actual permit that is located in the retail location during prior completed compliance inspections, but not during the controlled buy. Tobacco permit numbers can be verified by contacting your local Comptroller's field office. Contact numbers can be obtained at [www.window.state.tx.us/taxinfo/fielddof.html](http://www.window.state.tx.us/taxinfo/fielddof.html).*

**Part 3:** Leave this section blank when conducting a controlled buy.

**Part 4:** Provide the results of the controlled buy. ALL questions must be answered. If a citation is written, the citation number MUST be provided.

**Part 5:** If a citation was issued during this enforcement activity, provide all required court information. This information is utilized to follow up on citations that are written.

**Part 6:** Provide Law Enforcement Agency/Officer Information for verification and follow-up contact purposes.

## Submit your report by the 10th of the month following the activity.

*Return completed report(s) to:* Texas Comptroller’s Tobacco Enforcement Program
P.O. Box 13528
Austin, TX 78711-3528

Or FAX report(s) to: (512) 463-3268

For assistance, call: (888) 284-2151

*It is recommended that ALL law enforcement agencies maintain copies of your submitted reports, and if reports are submitted by FAX, the FAX confirmation sheets as well.*
Compliance Inspection Follow-Up

It is very important to establish and keep good rapport with the retailers. It will promote voluntary compliance and will make your job easier. In addition, youth access in your community will be impacted significantly. Do not just visit them once a year during a compliance check or controlled buy/sting.

Conducting a Follow-up for a Compliance Inspection

Use the Texas Comptroller Cigarette and Tobacco Inspection/Sting Monthly Report

After your agency conducts a compliance inspection, follow up with the retailer within a few days (2-10) as follows:

• If the store is in compliance
  - Get the manager/owner's name and follow-up by mail with a letter of congratulation for being in compliance. You can also put the store’s name in the newspaper recognizing them for their accomplishment and/or have a popular radio station congratulate them for being in compliance.

• If the store is not in compliance
  - Ask to speak to the manager/owner and make the recommendations needed to be in compliance. Make an offer to train employees outside of the store environment or away from the register. Advise that you will be back to test for compliance and follow through.

In all cases, help the retailer to understand and adopt responsibility for youth and make yourself available for training when they experience staff turnover or when they have questions. In many instances, the increased communications between the law enforcement agencies and retailers help to build partnerships to work together to limit minor’s access to tobacco rather than the usual adversarial relationship that can occur between those who regulate laws and those being regulated.
Module 4
Community-Based Tobacco Law
(Part 2 - Controlled Buy/Sting)

Learning Objectives (continued):

5. The student will be able to define a Controlled Buy/Sting.

6. The student will be able to identify the 5 preparatory steps to conducting a controlled buy.

7. The student will be able to identify five criteria for recruiting a minor.

8. The student will be able to identify at least three essential topics to cover during minor training.

9. The student will be able to describe the controlled buy/sting protocol.
Community-Based Tobacco Law  (Part 2 - Controlled Buy/Sting)

Conducting a Controlled Buy/Sting

A “controlled buy” is a planned enforcement process. An undercover officer accompanies a minor decoy into a permitted retail establishment to test for compliance with Health & Safety Code §161.082. This action is also referred to as a “sting.” Controlled buys/stings should be conducted on an on-going and consistent basis throughout the year.

Getting a Current List of Retail Outlets in Your Jurisdiction

Prior to conducting compliance inspections, it may be helpful to get a list of the retailers in your jurisdiction. Having a list available will allow your agency to maximize your planning efforts for inspecting all the retailers in your jurisdiction. The list will include the store name, address, zip code, permit number, and the outlet number.

You can get the list of outlets by submitting a request on departmental letterhead to the Comptroller’s office at fax number 512-463-3268.

Sales to Minors Prohibited

§ 161.082 – Sale of cigarettes or tobacco products to persons younger than 18 years of age prohibited: Proof of age required.

(a) A person commits an offense if the person, with criminal negligence:
    (1) sells, gives, or causes to be sold or given a cigarette or tobacco product to someone who is younger than 18 years of age; or
    (2) sells, gives, or causes to be sold or given a cigarette or tobacco product to another person who intends to deliver it to someone who is younger than 18 years of age.

(b) If an offense under this section occurs in connection with a sale by an employee of the owner of a store in which cigarettes or tobacco products are sold at retail, the employee is criminally responsible for the offense and is subject to prosecution.

(c) An offense under this section is a Class C misdemeanor.

(d) It is a defense to prosecution under Subsection (a)(1) that the person to whom the cigarette or tobacco product was sold or given presented to the defendant apparently valid proof of identification.

(e) A proof of identification satisfies the requirements of Subsection (d) if it contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is 18 years of age or older, and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport, or an identification card issued by a state or the federal government.

Conducting a Successful Controlled Buy

Conducting a successful controlled buy requires the cooperation of fellow officers, the minor decoy, parents of the minor, prosecutors and judges. They should all be trained on the purpose of reducing minor’s access to tobacco, tobacco law, and the controlled buy protocol.

While the prosecutors and judges do not physically participate in the controlled buy, they play a major role in the penalty phase for violators and repeat offenders. Therefore, their role is very important in the future success of tobacco control issues for your area and the State of Texas.

Before Conducting the Controlled Buy:

1. Meet with department heads to adopt protocol.
2. Meet with judges and prosecutors.
3. Recruit minor decoys and officers.
4. Plan and strategize the controlled buy/sting operation.
5. Train the minor decoy and officer teams.

1. Meet with Department Heads to Adopt Protocol

Schedule a meeting with the department heads/chief. This will allow them to feel involved in the development of a tobacco enforcement program, as well as keep them informed on the issue of tobacco use by minors.

The topics that should be covered in this meeting are:

- Tobacco Law – Which laws will be enforced?
  - Synar Amendment
  - Senate Bill 55 – 74th Legislature, 1997
  - Health and Safety Code, Chapter 161
- Tobacco Use/Health Issues – Why is this effort important?
  - Provide education on health issues relating to youth.
- Education/Prevention Efforts – What are our goals?
  - Goal 1 – Reducing minor’s access to tobacco
  - Goal 2 – Obtaining voluntary compliance from retailers
- Media – How will we use mass media to get our message out to the community?
  - Who will be the most effective spokesperson?
  - How can we involve local newspapers, television and radio stations? (For example, encouraging local news stations to commend retailers that did not sell to minors.)
• The Controlled Buy/Sting Process – How does it work?
  - Give a complete overview of the process. Explain that courts will be educated prior to enforcement activities. Discuss recruiting/training minors and officers, and completion of paper work.

• Departmental Commitments – Who will be involved?
  - Identify key players in creating a solidified tobacco enforcement program. Make sure that there is buy-in and support from your superiors.

2. Meet with Judges and Prosecutors

The purpose of meeting with the judges and prosecutors is to establish support for your department’s efforts to enforce the tobacco law through the controlled buy/sting process. This will reduce the likelihood that citations written for sale to minor violations will be dismissed by your local courts. Concerns and questions can be addressed prior to the actual controlled buy operation.

Topics to cover in your meeting include (as discussed in the Compliance Education section of this manual):

• Provide basic information on the Texas tobacco laws – Make sure that judges and court clerks understand what laws are on the books
• Introduce research that emphasizes the importance of tobacco enforcement
• Explain how retailer education efforts will be addressed in the area
• Discuss how enforcement actions (inspections/stings) will be approached
• Determine what information is required to be on your agency’s Underage Buyer Agreement
• Identify what will be required to substantiate a violation of sale to minor
• Agree on a compliant filing procedure for addressing these enforcement actions
• Convey the importance of their completion of Texas Cigarette/Tobacco Final Proceeding Report that is required by law

3. Recruiting Minors Decoys and Officers

There are specific guidelines (Health & Safety Code §161.088) for the selection of minor decoys. The guiding principle of these guidelines is that they support fairness to the retailer.
The following selection criteria incorporate both the law and other suggestions that have been shown to contribute to the success of these operations.

- Select non-smoking youth that are between the ages of 14 and 16. Youth should be rated by independent judges as looking younger than 18 years old. Using youth under the age of 14 or over the age of 16 may negatively influence the results of the controlled buy.

- Select minors who do not live near or have familiarity with the stores on your list.

- Select minors who are demographic matches for the controlled buy sites.

- While organizations such as Scouts or Explorer groups may have minors that are willing to participate as a minor decoy, do not utilize their meetings to solicit minors.

- Do not choose minors who have had previous negative law enforcement contacts or minors who have been ordered to perform community service.

**Note:** As per the Health & Safety Code, the minor MUST be UNDER the age of 17 at the time of the controlled by operation.

§ 161.088. Enforcement; Unannounced Inspections.

(d)(2) at the time of the inspection, the minor decoy is younger than 17 years of age;
4. Plan the Controlled Buy/Sting Operation

Once you have met with your department heads and with the judiciary, you are ready to outline the operation, plan the dates, train on the forms, and identify locations.

Assign Specific Duties

• Plan the date and time the controlled buys/stings will occur.
• Identify where the buy money will come from and who will be responsible for getting it.
• Identify the locations and map them out.
• Identify minors and officers that will be working as a team.
• It may be beneficial to have returning officers work with new minors, and new officers working with returning minors.
• Ideally, a team consists of a minor decoy, an undercover officer, and, if possible, backed up by a uniformed officer in a separate marked vehicle.
• Train the officers on how to complete the following forms:
  - DSHS Cigarette and Tobacco Controlled Buy/Sting Report form
  - Underage Buyer Agreement

Note: In a review of process by the federal Synar administrators in 2003, it was recommended that when possible, a controlled buy team should consist of either:
  - 2 Officers and a minor decoy, or
  - 2 Minor decoys and an Officer,

in order to minimize the possibility of any allegations of improper conduct during an operation.
5. Train the Minor and Officer Team

Minors should be given a brief overview of health issues related to tobacco, tobacco laws affecting youth, the purpose of the controlled buy/sting, and the law that authorizes controlled buys/stings. Parents should be invited to participate in the training. Emphasize to minors and their parents that the ultimate purpose of the operation is to reduce minor access to tobacco and that retailers are not being tricked because they have been trained on the law. Explain the Synar Amendment and how the results affect Texas’ funding for substance abuse services.

Training should include:

- The law allows minors either to carry their own identification showing their correct date of birth or to carry no identification. (Controlled buy protocol recommends that minors should carry their ID if they have one):
  - Present identification upon request.
  - If you are asked about your age, answer truthfully.
  - If the clerk refuses to make the sale, pick up the money and leave the store.

- Train the minor on what to do in difficult situations.
  - If you know someone in the store, leave the store immediately.
  - If you feel threatened or uncomfortable, leave the store immediately.

- Use role-play. Rehearsing the controlled buy/sting process will allow the minor and the officer to become comfortable with what they are supposed to do. This is an opportunity to decide in a signal that will be used on order to abort the operation. Give minors ample opportunity to practice saying the name of the tobacco product they will attempt to purchase.

- After the training, if the parents give permission for the minors to participate, they and the minor must sign the Underage Buyer Agreement. Additional requirements may be added to this form as specified by your city or county attorney. Your agency can also add the agency information to the form. A signed copy of this form should be kept on file by your agency. It is not necessary to send this form to TxSSC or the Comptroller.
Example of an Underage Buyer Agreement Form

<table>
<thead>
<tr>
<th>LAW ENFORCEMENT AGENCY CONDUCTING THIS OPERATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF OPERATIONAL COMMANDER</td>
<td>RANK/BADGE#</td>
</tr>
<tr>
<td>EFFECTIVE DATES(S) OF THIS LAW ENFORCEMENT OPERATION &amp; AGREEMENT</td>
<td>THROUGH</td>
</tr>
<tr>
<td>NAME OF UNDERAGE/MINOR DECOY</td>
<td></td>
</tr>
<tr>
<td>AGE OF MINOR DECOY AS OF OPERATIONS CONCLUDING DATE:</td>
<td>14 YOA 15 YOA 16 YOA</td>
</tr>
<tr>
<td>D.O.B.</td>
<td></td>
</tr>
<tr>
<td>NAME OF CUSTODIAL PARENT OR GUARDIAN:</td>
<td></td>
</tr>
<tr>
<td>STREET ADDRESS:</td>
<td></td>
</tr>
<tr>
<td>CITY:</td>
<td>STATE: ZIP: COUNTY:</td>
</tr>
<tr>
<td>CUSTODIAL PARENT OR GUARDIAN’S EMERGENCY CONTACT TELEPHONE #</td>
<td></td>
</tr>
</tbody>
</table>

Underage/minor decoy and their custodial parent or guardian should carefully read each item below and initial on each line as it is explained and signify that you fully understand each point. Your signature(s) at the end of this agreement signifies your understanding and willingness to abide by all the terms listed below.

1. I understand that the goal of this is to reduce the illegal sales of tobacco products to youth.
2. I understand that the purpose of this operation is to check if tobacco retailers are complying with Texas tobacco law.
3. I agree to truthfully answer all questions that tobacco retailers may ask me regarding my tobacco purchase attempt.
4. I understand that I will be accompanied by armed undercover law enforcement officer(s) during this law enforcement operation in order to ensure my safety to the maximum capacity.
5. I understand that the specific information about this law enforcement operation is confidential, and I agree not to discuss any operational details, such as store names, locations, or results, with anyone outside of supervising law enforcement staff.
6. I agree not to pursue, or participate in any attempt to purchase tobacco products at any time, except in my operational role as an "underage/minor decoy" and when I am directly supervised by the operation’s law enforcement staff.
7. I agree to relinquish all tobacco products, money given as change during purchase attempts, or any other unused money, that is not my own, to the supervising law enforcement staff.
8. I am aware that I may be called as a witness in a court of law in order to testify regarding the tobacco law enforcement operation in which I participate.
9. I have had my role and risk as an "underage/minor decoy" in this law enforcement operation fully explained to me by supervising law enforcement staff. I understand said role and risk, and agree to willingly participate.

Underage/Minor Decoy Signature | Date

I affirm that I am the custodial parent or guardian of the above named "underage/minor decoy," and I am aware of the law enforcement operations and activities my child is participating in. I have reviewed and I understand and agree to each of the above listed items. I willing give permission for my child to participate in this law enforcement operation.

Custodial Parent or Guardian Signature | Date
The Controlled Buy Protocol

Follow this process to conduct the controlled buy/sting.

1. Secure an unmarked car for the minor(s) and undercover officer(s).

2. Upon arrival at the store, the undercover officer enters and pretends to be shopping for something. S/he inconspicuously determines that it is safe for the minor to enter. **If it is determined that the store is not safe, signal the minor and leave the store.**

3. Once determined that the store is safe, the officer stays close enough to the point-of-sale to witness the tobacco purchase transaction about to occur.

4. Minor(s) enters the store, goes directly to the counter and places money on the counter.

5. Minor(s) attempts to purchase the tobacco product that was rehearsed.

6. Tobacco sale is made or not made.

7. Minor(s) immediately exits the store.

8. Undercover officer makes a mental note of the clerk’s physical description and a name from the name badge if possible.

9. Undercover officer exits the store.

10. If sale was made, the uniformed officer issues a citation either after the sweep is completed or immediately after the sale is made if returning later is not feasible. If no sale was made, the uniformed officer can return to the store later and issue a Certificate of Recognition to the clerk in appreciation of their compliance.

**Comptroller’s Office Follow-up after the Controlled Buy**

Upon the final adjudication of the sale to minor citation, the Comptroller’s office can determine if assessing a civil penalty to the permit holder is in order. If a guilty plea has been reached, a civil penalty will be sent to the owner of the store where the employee who sold illegally was working at the time of the violation.
Controlled Buy/Sting Follow Up

Conducting a Follow-up for a Controlled Buy/Sting

Use the Texas Comptroller Cigarette and Tobacco Inspection/Sting Monthly Report

After your agency conducts a controlled buy/sting, follow-up with the retailer in a few days (2-10) as follows:

• If no sale is made:
  - Go back to the store dressed in uniform and ask to speak to the manager/owner. Explain that your agency conducted a controlled buy using a minor at their store to test for compliance with the Texas Tobacco Law, and a sale was not made. Tell the manager/owner the name of the clerk and thank them for being responsible. Award a Certificate of Recognition from the State Comptroller. Blank certificates can be obtained from the Comptroller.

• If a sale was made:
  - Re-check the store with a compliance inspection (if another controlled buy/sting is not practical or possible). Ask to speak to the manager/owner and try to emphasize the importance and impact of compliance.

In all cases, help the retailer to understand and adopt responsibility for youth and make yourself available for training when they experience staff turnover or when they have questions. In many instances, the increased communications between the law enforcement agencies and retailers help to build partnerships to work together to limit minor’s access to tobacco rather than the usual adversarial relationship that can occur between those who regulate laws and those being regulated.
Module 5
School-Based Tobacco Enforcement and Prevention

Learning Objectives

1. The student will be able to identify the key provisions of Health & Safety Code §161.252, Minor in Possession – Tobacco.

2. The student will be able to identify two penalties for MIP-Tobacco.

3. The student will be able to identify five suggested community service activities for minors.

4. The student will be able to identify the four goals for School-Based Law Enforcement Officers regarding youth tobacco prevention.

5. The student will be able to identify methods for educating youth and school personnel.

6. The student will be able to identify four benefits of youth taking a Tobacco Awareness class.

7. The student will be able to identify four examples of partnering with youth.

8. The student will be able to identify five community and youth education activities.
School-Based Tobacco Enforcement and Prevention

Preventing Youth Use and Access to Cigarettes and Tobacco Products

Preventing youth use and access to cigarettes and tobacco products is the responsibility of all adults, parents, teachers, coaches, counselors, and law enforcement officers. The Synar Amendment specifically requires all states to have laws that ban the sale of tobacco to persons less than 18 years old. The Texas Tobacco Law went one step further to not only ban the sale of tobacco, but also to ban the possession of cigarettes or tobacco products.

When it comes to prevention education efforts in Texas, equal emphasis is placed on reducing youth access to cigarettes and tobacco products. Funds to pay for prevention programming may come from different budget sources, but the efforts of importance for each are equal.

It is important that our prevention message start early because the age of first use by our youth is age 13 (from the school survey).

Nearly 90% of all adult smokers begin while in their teens, or earlier, and two-thirds become regular, daily smokers before they reach the age of 19.

Smoking kills more people than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined, and thousands more die from other tobacco related causes, such as fires caused by smoking (more than 1,000 deaths/years nationwide) and smokeless tobacco use.

Imagine 44,72 passenger school buses full of under age students every day who become daily smokers. Youth tobacco users say they keep using tobacco because it is really hard for them to quit. Studies show nicotine is addictive in ways similar to heroin, cocaine, and alcohol.

Just in Texas:

- 503,000 youth under 18 will ultimately die prematurely from smoking
- 29,100 youth (under 18) become NEW daily smokers
- 66.1 million packs of cigarettes bought or smoked by youth each year
- 262,200 (17.4%) high school students smoke
- 10.2% male high school students use smokeless or spit tobacco
The Tobacco Industry Markets to Our Youth!

Tobacco companies have creative ways to influence our youth. Smokers are dying every day so they need to be replaced with new smokers. One strategy of reaching new smokers is marketing to youth.

The Tobacco Industry spends $10.5 billion dollars nationwide, and 16.87 percent of $10.5 billion just in Texas.

A total of 81.3 percent of youth smokers (ages 12-17) prefer Marlboro, Camel, and Newport, three heavily advertised brands, while only 54.1 percent of smokers over age 26 prefer these brands.

Published research studies have found that youth are twice as sensitive to tobacco advertising than adults and are more likely to be influenced to smoke by cigarette marketing than by peer pressure. The Journal of the American Medical Association study found that one-third of underage experimentation with smoking is attributable to tobacco company advertising efforts.

Examples of Tobacco Industry Marking to Youth

Below are some advertising techniques the tobacco industry uses to influence our youth:

- **Association approach** - “You can be like me.” Associates smoking with being cool, grownup, sophisticated, good-looking, wealthy, or strong. This is the most common approach.

- **Bandwagon approach** - Implies everyone is using this product, and that you will be more popular if you use it too

- **Having fun approach** – Implies that using this product will result in having more fun

- **Humor approach** - Utilizes ads with funny or clever words or phrases

- **Sex Appeal approach** - Utilizes beautiful girls and handsome young men

- **Point-of-sale marketing** - Very effective at reaching kids and influencing them to smoke.

With tobacco ads prohibited on television, radio and billboards and less frequent in magazines, convenience stores remain one place where kids are regularly exposed to tobacco advertising and promotions. More than two-thirds of teenagers visit a convenience store at least once a week.

Studies have found that cigarette marketing is more prevalent in stores where adolescents shop frequently. Tobacco advertisements and product displays are often placed at kids’ eye level or near candy, and point-of-sale marketing – especially price discounting – increases youth smoking.
Goals for School-Based Law Enforcement Officers

Below is a list of 4 suggested goals for School-Based Law Enforcement officers and/or administrators to assist in providing a comprehensive tobacco prevention program for the youth in their schools and communities.

1. Provide education and awareness to all youth and school personnel on tobacco laws, enforcement and prevention

2. Change the negative perceptions associated with issuance of Minor in Possession of Tobacco citations

3. Establish a partnership with youth to support school policies on possession and use of cigarettes and tobacco products on campus and school-related events

4. Expand a Tobacco-Free Campus beyond the educational setting
Texas School-Related Tobacco Laws

**Education Code Section §38.006 – Tobacco on School Property**

The board of trustees of a school district shall:

1. prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property;

2. prohibit students from possessing tobacco products at a school-related or school-sanctioned activity on or off school property; and

3. ensure that school personnel enforce the policies on school property.


**Penal Code §48.01 – Smoking Tobacco**

(a) A person commits an offense if he is in possession of a burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, as defined by Section 541.201, Transportation Code, plane, or train which is a public place.

(b) It is a defense to prosecution under this section that the conveyance or public place in which the offense takes place does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such conveyance or public place and that an offense is punishable by a fine not to exceed $500.

(c) All conveyances and public places set out in Subsection (a) of Section 48.01 shall be equipped with facilities for extinguishment of smoking materials and it shall be a defense to prosecution under this section if the conveyance or public place within which the offense takes place is not so equipped.

(d) It is an exception to the application of Subsection (a) if the person is in possession of the burning tobacco product or smokes tobacco exclusively within an area designated for smoking tobacco or as a participant in an authorized theatrical performance.

(e) An area designated for smoking tobacco on a transit system bus or intrastate plane or train must also include the area occupied by the operator of the transit system bus, plane, or train.

(f) An offense under this section is punishable as a Class C misdemeanor.


**Health & Safety Code § 161.251 – Definitions**

In this subchapter:

1. "Cigarette" has the meaning assigned by Section 154.001, Tax Code.
(2) "Tobacco product" has the meaning assigned by Section 155.001, Tax Code.

Added by Acts 1997, 75th Leg., ch. 671, § 3.01, eff. Jan. 1, 1998.

“Cigarette” means a roll for smoking that is made of tobacco or tobacco mixed with another ingredient and wrapped or covered with a material other than tobacco; and is not a cigar

“Tobacco Product” means:

- A cigar;
- Smoking tobacco, including granulated, plug-cut, crimp-out, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette;
- Chewing tobacco including Cavendish, Twist, plug, scarp, and any kind of tobacco suitable for chewing;
- Snuff or other preparations of pulverized tobacco; or
- An article or product that is made of tobacco or a tobacco substitute and that is not a cigarette.

Minor In Possession- Tobacco

Health & Safety Code § 161.252 – Possession, Purchase, Consumption, or Receipt of Cigarettes or Tobacco Products by Minors Prohibited

(a) An individual who is younger than 18 years of age commits an offense if the individual:

(1) possesses, purchases, consumes, or accepts a cigarette or tobacco product; or
(2) falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.

(b) It is an exception to the application of this section that the individual younger than 18 years of age possessed the cigarette or tobacco product in the presence of:

(1) an adult parent, a guardian, or a spouse of the individual; or
(2) an employer of the individual, if possession or receipt of the tobacco product is required in the performance of the employee's duties as an employee.

(c) It is an exception to the application of this section that the individual younger than 18 years of age is participating in an inspection or test of compliance in accordance with Section 161.088.
(d) An offense under this section is punishable by a fine not to exceed $250.

Added by Acts 1997, 75th Leg., ch. 671, § 3.01, eff. Jan. 1, 1998.

Health & Safety Code § 161.253 – Tobacco Awareness Program; Community Service

(a) On conviction of an individual for an offense under Section 161.252, the court shall suspend execution of sentence and shall require the defendant to attend a tobacco awareness program approved by the commissioner. The court may require the parent or guardian of the defendant to attend the tobacco awareness program with the defendant.

(b) On request, a tobacco awareness program may be taught in languages other than English.

(c) If the defendant resides in a rural area of this state or another area of this state in which access to a tobacco awareness program is not readily available, the court shall require the defendant to perform eight to 12 hours of tobacco-related community service instead of attending the tobacco awareness program.

(d) The tobacco awareness program and the tobacco-related community service are remedial and are not punishment.

(e) Not later than the 90th day after the date of a conviction under Section 161.252, the defendant shall present to the court, in the manner required by the court, evidence of satisfactory completion of the tobacco awareness program or the tobacco-related community service.

(f) On receipt of the evidence required under Subsection (e), the court shall:

(1) if the defendant has been previously convicted of an offense under Section 161.252, execute the sentence, and at the discretion of the court, reduce the fine imposed to not less than half the fine previously imposed by the court; or

(2) if the defendant has not been previously convicted of an offense under Section 161.252, discharge the defendant and dismiss the complaint or information against the defendant.

(g) If the court discharges the defendant under Subsection (f)(2), the defendant is released from all penalties and disabilities resulting from the offense except that the defendant is considered to have been convicted of the offense if the defendant is subsequently convicted of an offense under Section 161.252 committed after the dismissal under Subsection (f)(2).

Added by Acts 1997, 75th Leg., ch. 671, § 3.01, eff. Jan. 1, 1998.
**Tobacco Awareness Program**

When minors are cited for possession of cigarettes or tobacco products, the ticket is processed through the court system and the minor may be instructed to attend the Tobacco Awareness/Cessation Course. It is important for judicial and court personnel to understand these courses are:

- Remedial and not punitive
- May be the only opportunity for the minor to quit smoking
- Courses are held over a two week period and are designed to change attitudes and behavior.
- Record is expunged
- Parents may also be ordered to attend by judge

**Suggested Community Service Activities**

If the minor resides in an area of the state in which access to a tobacco awareness program is not available, the Youth Access to Tobacco Law of 1997 allows municipal judges the option of sentencing minors who have been cited for purchase or possession of tobacco to do community service instead of attending a tobacco awareness class. Examples of community service activities are:

- Volunteer in a hospital, radiation or cancer center assisting patients with treatments or therapy
- Attend a Better Breather’s Club meeting and write a report on the experience
- Attend a Lost Chord Class or Laryngectomy Class and write a report on the experience
- Write a report from information gained from an interview with a smoker or Lost Chord Club member
- Write a report from information gained from an interview with a dentist on the hazards of smokeless (spitting) tobacco and smoking
- Do research on the health issues surrounding tobacco use and addiction
- Take a poll of smokers
- Conduct an operation Storefront (Available from the Texas Department of State Health Services - Office on Tobacco Prevention and Control)
Health & Safety Code § 161.254 – Driver's License Suspension or Denial

(a) If the defendant does not provide the evidence required under Section 161.253(e) within the period specified by that subsection, the court shall order the Department of Public Safety to suspend or deny issuance of any driver's license or permit to the defendant. The order must specify the period of the suspension or denial, which may not exceed 180 days after the date of the order.

(b) The Department of Public Safety shall send to the defendant notice of court action under Subsection (a) by first class mail. The notice must include the date of the order and the reason for the order and must specify the period of the suspension or denial.


(a) An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily completed the tobacco awareness program or tobacco-related community service ordered by the court, the court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.

(b) The court shall charge an applicant a fee in the amount of $30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

Added by Acts 1997, 75th Leg., ch. 671, § 3.01, eff. Jan. 1, 1998.


Health & Safety Code § 161.256 – Jurisdiction of Courts

A justice court or municipal court may exercise jurisdiction over any matter in which a court under this subchapter may:

(1) impose a requirement that a defendant attend a tobacco awareness program or perform tobacco-related community service; or

(2) order the suspension or denial of a driver's license or permit.

Added by Acts 1997, 75th Leg., ch. 671, § 3.01, eff. Jan. 1, 1998.
**Review of Penalties for MIP-Tobacco**

- Up to $250 Fine
- **Attendance of Tobacco Awareness Program**  
  *Note: Judge may order parents to attend also*
- **8-12 Hours of Community Service**
- **Driver’s License Suspension/Denial**

**Suggested Graduated Fines**

As stated in Health & Safety Code §161.252, for youth the maximum fine is not to exceed $250. State law does not establish a fine for first, second or third offenses for minor in possession of cigarettes or a tobacco product. This is an example of one of the issues that can be addressed with your judge. Encourage establishment of a graduated fine for repeat offenders such as:

- 1\textsuperscript{st} offense - $100 fine
- 2\textsuperscript{nd} offense - $150 fine
- 3\textsuperscript{rd} offense - $250 fine (maximum fine allowed by law)

- Make sure the judges understand that they can order minors to perform community service if a tobacco awareness class is not readily available. Provide them with the following list of suggested community service activities developed by the Texas Department of State Health Services.
Four Goals for School-Based Law Enforcement Officers

1. **Provide education and awareness to all youth and school personnel on tobacco laws, enforcement and prevention**

Tobacco prevention through education is most effective, and should focus on the consequences associated with using tobacco. Schools can integrate tobacco education in the classroom that is appropriate for various grade levels.

- **Pre-K - Kindergarten** – Show videos, present tobacco displays (e.g., Mr. Gross Mouth and Tar Jar) and color sheets, as well as read books such as Smoking Stinks.
- **1st – 5th grade** – Show videos, present tobacco displays (e.g. the good lungs/bad lungs), send educational handouts home with students, organize anti-tobacco poster contests, and invite special speakers in the community to speak to youth.
- **6th – 12th grade** – Show videos, present tobacco displays (e.g., the good lungs/bad lungs), assign research paper in English, Health or Science class, assign students to interview smokers, and organize field trips to hospital to visit patients affected by smoking.

**Opportunities to educate school personnel**

All school personnel must be educated from the top down or bottom up. Education must focus on identifying tobacco use, laws, and consequence (e.g., legal, social, and health). Education of school personnel can occur through the following methods:

- School department meetings
- Staff development days
- Before or after schools
- Disseminate tobacco education literature
- Display posters

**School Personnel to include:**

- Administration
- Principals
- Support Staff
- Teachers
- Counselors
- Nurses
- Custodial Staff
- Food Service
2. Change the Negative Perceptions Associated with Issuance of Minor in Possession of Tobacco Citations

Issuing a minor a ticket for possession of tobacco is remedial, not punitive. It is the only opportunity a minor has to attend a state-approved tobacco awareness class curriculum and apply a level of intervention. Youth spend almost one-third of their time in school, a time-frame large enough for youth to be exposed to the peer pressures of smoking. Approximately 1/3 of youth attending a Tobacco Awareness Program quit using tobacco (based on a 10 year follow-up telephone survey).

The class focuses on understanding tobacco use, social influences, and developing coping skills, which are integral to cessation. The Texas Youth Tobacco Awareness/Cessation class is:

- 8 hours over a two week period
- Offered Tuesday and Thursday in the first and second week
- Offers theory based activities grounded in empirical data
- Parent may also be ordered to attend by the judge

3. Establish a Partnership with Youth to Support School Policies on Possession and Use of Cigarettes and Tobacco Products on Campus and School-Related Events

The following are ways to partner with youth who can help create an environment that encourages anti-smoking beliefs and behaviors:

- Create tobacco prevention clubs in schools
- Have contests
- Create public service announcement and videos
- Create a team of teen leaders as tobacco cessation supports
- Have teen leaders visit elementary schools with tobacco prevention information for students
- Have youth participate in controlled buys/stings
  - A “controlled” buy is a planned enforcement process.
  - An undercover officer accompanies a minor decoy into a permitted retail establishment to test for compliance with Texas Health & Safety Code 161.082. This action is also referred to as a “sting”.

Role of minor decoy:

- Assist law enforcement to test compliance of tobacco sales to minors
- Trained on how the purchase attempt is completed
- Follow protocol
- Safety of minor is a priority
Reward for Participation:

- Community service hours
- Certificate for participation

4. Expand a Tobacco-Free Campus beyond the Educational Setting

It is important to participate in community and youth education activities to further prevention and education efforts. Types of Community and Youth Education Activities include:

- Texas Tobacco-Free Kids Day or Kick Butts Days
- National Night Out
- World No-Tobacco day
- Red Ribbon Week
- Great America Smoke Out
- Local Tobacco Prevention Coalitions
- Health Fairs
- County Fairs
- Carnivals
- Teen Summits and Conferences

Partner with community groups such as:

- Rotary Clubs
- Lions Clubs
- Elks
- Faith-based organizations
- Hospitals
- 4-H
- FFA
The Role of Schools

By ensuring that each of the goals discussed are reached, schools can have an integral role in reducing youth smoking and other tobacco use. These efforts can have an enormous impact on the current and future health and wellbeing of our youth.
Module 6
Youth Prevention Initiatives

Learning Objectives:

1. The student will be able to identify 5 community partners for delivering tobacco prevention education and materials.

2. The student will be able to identify 5 opportunities to deliver tobacco education and prevention messages throughout the community.

3. The student will be able to identify 4 opportunities for youth prevention and engagement in tobacco prevention.

4. The student will be able to identify the Say What! Youth Movement and its purpose.
Youth Prevention Initiatives

Community & Youth Tobacco Prevention Education are critical components of an effective tobacco enforcement and control program.

We encourage you as law enforcement officers to work with educators, parents, and youth in your community for the purpose of preventing tobacco use.

It is beneficial for your agency to include tobacco prevention education for community members and youth through various mediums by coordinating services with existing state and community organizations that are already providing tobacco prevention messages.

Before planning your agency’s community and school educational programs, it may be necessary to conduct some research to see what services are already being provided and what services are needed. When you take a comprehensive approach, your law enforcement role will be more effective.

Some key Community Partners to connect with are:

- Tobacco Prevention Community Coalitions
- Prevention Resource Centers
- American Cancer Society
- American Heart Association
- American Lung Association
- School-Based Youth Leadership and Tobacco Prevention Groups
- Community and Faith-Based Tobacco Prevention Groups

Low or no cost materials are available from the Centers for Disease Control and Prevention, your local Prevention Resource Center, Council on Alcohol and Drug Abuse and oftentimes the American Cancer Society, Lung Association and Heart Association as well.

There are a multitude of opportunities to deliver tobacco education and prevention messages throughout your community. The following list highlights several examples of the types of events and functions that you can take advantage of for this purpose.

- Community Health Fairs
- Church Functions
- Summer Camps
- American Heart Walk
- Red Ribbon Week
- Citizens Police Academy
- Youth Clubs (Boy, Girl, Cub Scouts)
- National Night-Out
- Great American Smoke Out (3rd Thursday in November)
• World No Tobacco Day – May 31st
• Texas Tobacco-Free Kids Day / National Kick Butts Day / March

Additional Opportunities for Youth Prevention and Engagement

The Texas School Safety Center (TxSSC) manages state contracts from the Texas Department of State Health Services (DSHS), Mental Health and Substance Abuse Services Division to help accomplish the goals of the State’s Tobacco Prevention Initiative. The Department also strives to infuse a culture of youth engagement and community partnership through training and resource development. Please visit our website: www.txssc.txstate.edu/TOB for additional information on youth engagement activities and resources.

Say What! Youth Movement

In 2010, recognizing the role that young people play in tobacco prevention, the Texas Department of State Health Services (DSHS) called on the Texas School Safety Center (TxSSC) to develop a youth leadership and activism movement. As a result, the Say What! movement was created and designed by young people from across Texas to link all students who are actively working to eliminate tobacco from their schools and communities. The youth creators recognized everyone's efforts in the name of the movement (Students, Adults, and Youth, Working Hard Against Tobacco). Say What! officially launched in March 2011 in conjunction with Texas Tobacco-Free Kids Day. Since then, efforts have been concentrated on spreading the movement through local projects and increasing online membership.

Youth groups that join the Say What! Movement will have the opportunity to:

• Connect to other youth and organizations across the state that have the same interests
• Get access to ideas & events hosted by other Say What! partners
• Promote local efforts to reduce tobacco use

Encourage active youth groups in your community to join Say What! today at www.txsaywhat.com. Registered members are eligible to apply for a $500 mini-grant to support their next tobacco prevention project!

Tobacco-Free Teen Leadership (“SayWhat!”) Summits

TxSSC conducts multiple regionally located Tobacco-Free Teen Leadership Summits each year to train and equip community and school-based organizations to invest in youth. At these summits young people and adult allies come together to create positive social change concerning tobacco use and prevention. Thanks to funding from DSHS, registrations, lodging and meals are provided FREE of charge to all confirmed Summit participants! The only cost to each group is transportation to and from the summit. Attending a Summit is a wonderful opportunity for a local school or community-based group to get the education, skills, training, and excitement needed to take action in their local community. We encourage you to bring a group and also to pass the word about the Summits to youth groups in your community. Information about the Summit dates and locations are available online at www.txsaywhat.com/summits.
Texas Tobacco-Free Kids Day

Texas Tobacco-Free Kids Day (TTFKD) is an annual awareness day in Texas to encourage students of all ages to live tobacco-free lifestyles. TTFKD is held in conjunction with Kick Butts Day, a national event sponsored by the Campaign for Tobacco-Free Kids. The day is an annual celebration of youth leadership and activism in tobacco prevention efforts. On TTFKD each year, thousands of youth will organize activities to expose and counter the tobacco industry’s powerful promotional strategies aimed at youth. Some of the past activities include youth-led rallies, surveys of tobacco advertising in local stores and street activism events. TTFKD is held in late March of each year and is a perfect opportunity for youth to get involved in tobacco prevention, awareness and advocacy efforts. More information and event ideas can be found at www.txsaywhat.com/TTFKD.

SayWhat! Texas Tobacco-Free Conference

The SayWhat! Texas Tobacco-Free Conference is an annual premier youth training and leadership event that attracts middle and high school students and their adult sponsors from across Texas each summer to spread the SayWhat! Youth Movement. This conference is 100% youth-focused. All adults attending the conference must bring a youth group and/or be working with a youth group. It’s all about Students, Adults, and Youth Working Hard Against Tobacco! If you are part of a youth group working on tobacco-free policy or other tobacco prevention related issues at your school or in your community, if you have participated in a Tobacco-Free Teen Leadership Summit, or you are part of the SayWhat! Youth Movement, you won’t want to miss this exciting opportunity to work with other leaders from across the state of Texas. More information about this excellent training opportunity can be found at www.txsaywhat.com/conference.

Texas Teen Ambassadors

The goal of the Teen Ambassador Initiative is to build a statewide network of well trained, educated, and committed youth advocates in an effort to ensure a prominent youth voice in systems and policies that affect them; especially regarding tobacco and secondhand smoke. The Texas Teen Ambassadors are a group of high school-aged (and some college-aged) teens that provide guidance, input and direction to state tobacco control leaders, including the Texas Department of State Health Services Tobacco Prevention and Control department, regarding the state’s tobacco prevention efforts. Representation is sought statewide, with an emphasis placed on connecting Ambassadors with their local resources to make an impact locally as well as on a statewide level. With funding made available by DSHS, all activities carried out under the oversight of TxSSC and are in accordance with the state’s tobacco prevention and control strategic plan.