

# Compliance Check Youth Training

## THE PROBLEM:

Nicotine is an addictive drug in tobacco, which is illegal to sell or give to persons under 18. However, all too often it is possible for teenagers under 18 to purchase tobacco products and electronic smoking devices. The Tobacco Prevention Program conducts retailer compliance checks throughout the year in an effort to reduce youth access to age restricted products in King County. We would like to make it possible for everyone to make informed choices about their health as adults without the manipulation tactics that 22.5 million dollars per day in tobacco advertising buys. Approximately 26% of high school seniors in King County smoke regularly. We hope to see a reduction in this number.

## THE PROCESS:

Youth are trained completely before conducting checks. This training includes procedures for conducting compliance checks and information regarding the health risks of tobacco use.

Employees of the Tobacco Prevention Program of Public Health – Seattle and King County (PHSKC) drive youth volunteers around to retailers in King County where the volunteers will attempt to purchase tobacco products, electronic smoking devices (e-cigarettes), or e-juice for electronics. If a teen does not feel comfortable with a particular retail site, we will use another volunteer to check that location.

Results of our purchase attempts are reported to the Washington State Department of Health and to the Washington State Liquor Control Board (LCB). If a sale of tobacco is made to our youth operatives, a LCB agent will issue the clerk and retailer a citation in accordance with RCW 70.155. There is a slight chance that a retailer may contest the violation and teen volunteers may be asked to attend an administrative hearing.

## LEGAL IMMUNITY:

While working with local health districts to check retailer compliance, youth volunteers are specifically exempt from laws prohibiting minors from purchasing and possessing tobacco products. During the compliance checks the health department employee will be in possession of a letter explaining this immunity in case their activities are questioned.

## PUBLICITY:

As a part of raising public awareness regarding tobacco, volunteers may be given the option of participating in local press conferences and may have the opportunity to be quoted either in print or on television.

## PHOTOS & VIDEOS:

Youth volunteers will be photographed or have video taken on the day of the check in order to counter any criticism from the tobacco industry or retailers that participants were chosen only if they appeared older than the age of 18.

## REPRESENTATION:

Teen volunteers will not be allowed to lie or misrepresent themselves in any way. They should make no attempt to disguise their age or to appear older.

## FOR INFORMATION CONTACT:

**Public Health**   
Seattle & King County

### **Tobacco Prevention Program**

401 Fifth Avenue, Suite 1100

Seattle, WA 98104-1818

Phone: (206) 263-8203

Fax: (206) 296-0177

# Policies & Requirements of Youth Volunteers

## Requirements of Youth

Compliance check youth must meet the following requirements:

- Be 15 to 17 years of age at the time of recruitment
- May not appear older than 18 years of age
- Be considered trustworthy by health department employees
- Be willing & able to ask for tobacco products or electronic smoking devices
- Be willing & able to identify clerks who sell to them
- Be willing & able to testify in LCB administrative hearings
- Be willing to allow photos and/or dialog to be used as evidence
- There is no minimum or maximum requirement of hours you may volunteer, but we would ask that you be willing to volunteer a minimum of 4-6 hours a month (or 1-2 shifts).

## Enrollment Procedures

*All youth volunteers must provide:*

1. **Consent form signed by parent/legal guardian**
2. **Proof of age for our files** (a copy of youth's birth certificate, Washington State ID card, Washington State drivers permit or drivers license)

## Termination Policy

If any youth does not meet all of the above requirements, they will no longer be allowed to participate in the compliance check program. This includes youth that may mature and appear 18 or older prior to reaching the age of 17 years and 6 months.

## Rules for Minor Operatives

1. While conducting compliance checks, you should dress the way you would normally. **NEVER** attempt to make yourself look older (make-up, big hair, dresses, suit and tie, etc.).
2. Under no circumstances will laughing or making fun of a clerk be tolerated. Our goal is to educate retailers and this can only be achieved if we maintain a positive relationship with the retailers.
3. Youth operatives should **NEVER** lie about their age. If you are asked about your age by anyone (clerk or other customers), tell them the truth.
4. No more than two youth should enter an establishment at one time. If two youth conduct the compliance check together, only one may interact with the clerk. The other should remain silent and witness the transaction. Sometimes a clerk will ask the 2<sup>nd</sup> youth for ID. At this time you may respond and present your ID as if you were conducting the check.

## Compliance Check Shifts

- The retail locations to be checked are selected by Tobacco Prevention staff.
- Your adult escort (PHSKC Staff) will pick you up from your home or school at the prearranged time and drop you off at home when your shift is finished.

### Average Compliance Check Shift

**Weekdays:** Pick you up usually immediately after school gets out, unless other arrangements are made. You can expect to do approximately 12-14 checks and be out about 2-4 hours, depending on where the checks are located.

**Weekends:** Pick you up usually from home. You can expect to do at least 18-20 checks and be out 3-5 hours, depending on where the checks are located.

- After your shift is completed, you will receive a gift certificate from a selection of various stores. Recent stores include: Safeway, Target and Fred Meyer.

## Compliance Check Procedures

- PHSKC staff drives the underage operative to the locations.
- The money for the purchase attempt is provided by PHSKC and will be given to you during your shift. You must return all money provided to you at the end of your shift.
- Youth enters the store (with only the money furnished by PHSKC and his/her ID, if any), locates the tobacco or electronic device or e-juice, and attempts the purchase.
- The adult escort will attempt to monitor the interaction between the youth and the clerk if at all possible. When conducting checks in larger grocery and drug stores, the adult escort will probably be inside the store observing the transaction.

**\*\*DO NOT INTERACT WITH YOUR ESCORT WHILE IN THE STORE.**

- After each compliance check, the youth returns to the car and helps complete the reporting form.

# Purchase Attempt Guidelines

- **Locate the tobacco, electronic device, or e-juice** immediately and stand in the shortest/fastest line.
- **Select the product** from a “self-serve” display and set it down on the counter or if the product is sold “over the counter,” then ask the clerk for the specific brand name.

**DO NOT** ask, “Can I buy a pack of cigarettes?”

**ALWAYS** ask for a **specific brand**. For instance: “Can I get a pack of Camel Blues?” If you have difficulty pronouncing a brand name, then do not ask for that brand.

- **ALWAYS** tell the truth

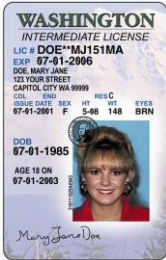
If asked about your age (even by a customer), always state your correct age.

- **If asked for ID and...**

***You don't have valid ID***

Tell the clerk, “I don't have one.”

NEVER say anything like, “I forgot it.” or “It's in the car.”



***You have a valid WA State ID, Drivers Permit or License***

Present your ID to the clerk. Always wait until the clerk asks for the ID.

Do not present the ID before being asked.

- **If the clerk does not sell**

Simply walk away. NEVER plead or attempt to coerce the clerk into selling.

You may walk back up with your escort to present the clerk with resources.

- **If the clerk sells to you**

➤ Present the money, take the change, and leave casually. **DO NOT laugh or giggle.** Do not ask for a receipt, however take one if offered.

➤ After the transaction, proceed directly back to the car. Do not stop to talk with your adult escort until completely back at the car.

➤ Return any change to your escort, bag and tag the evidence, assist with the reporting information, and take an evidence picture.

➤ Be prepared to re-enter the establishment with your escort to identify who the clerk was. You will not have to interact with the clerk upon re-entry. The entire interaction from then on will be the responsibility of your PHSKC escort.



# Locating and Obtaining the Product

## Locating the Tobacco, Electronic Cigarette, or e-Juice

### **Convenience Stores & Gas Stations (7-Eleven, Chevron, 76, Shell, etc.):**

Usually the products are located behind the counter. Sometimes there is a display rack that you may take a pack from and set on the counter.

### **Grocery Stores (Safeway, QFC, Albertsons, etc.):**

Products are located towards the front of these stores near the check out stands. Often times sold at a Customer Service counter, movie rental, and/or Lottery counter.



**\*QFC** – May have them in a glass cabinet at the front of one central aisle. (The cabinet is often unlocked.)

### **Drug Stores (Rite Aid, Bartell Drug, Walgreens, etc.):**

Products are located behind (over the counter) one or all of the registers. Sometimes located behind (over the counter) the film developing and electronics counter.

### **Department Store (Wal-mart, Fred Meyer, etc.):**

Products are typically located at one register or customer service area near the front of the store, where they sell Lottery tickets and take customer returns.

### **Tobacco Discount Store (Cigarettes Cheaper, CigarLand):**

Products are displayed and available throughout this type of store, usually on some kind of self-serve wall display. Cigarettes are most often at the counter or behind the counter and should be asked for similar to other convenience stores.

### **99 Cent Stores, Discount Stores, Deli, Gift Shops:**

Products are located at the main counter, usually over the counter.

## Obtaining the Tobacco, Electronic Cigarette, or e-Juice

**Self-Serve:** Usually this is a display rack, but also includes any tobacco that you are able to pick up yourself and place on the counter (not as common.)

**Over the Counter:** You will have to ask for the tobacco. Make sure you know how to ask for them. This is the most common way they are sold in King County.

# How to Ask for Cigarettes

## Asking for cigarettes:

DO NOT ask for a pack of cigarettes. Be sure to ask for a specific brand.  
For example: “Can I get a pack of Camel Blues?”

## What brands to ask for:

Ask for a brand of product that you are able to pronounce correctly.

Camel	Marlboro	Kool	Newport
Blu (e-cig)	JUUL (e-cig)	Vuse (e-cig)	Mark Ten (e-cig)

Ask any of your friends, or youth you may know, what brands they smoke.

## Brands are often times target marketed to specific groups:

African Americans = Newport, Kool, and Marlboro Menthol  
Asian/Pacific Islander = Marlboro, Kools, and Newports  
Caucasian = Camel, Marlboro, Winston  
Females = Camel Blue (“light”), Virginia Slims

## Cigarettes come in several varieties:

Filter/Non-filter	Packaging: Soft pack or Hard pack
Different “Strengths”	Size: Regular/100’s/72s
Menthol	Wides

## A typical transaction:

If a clerk were to ask you, “filter or non-filter,” don’t hesitate, just pick one. The following is an example of a clerk/customer dialog.

**Youth:** Can I get a pack of Camel Blues?

Clerk: Sure...oh no, we’re out.

**Youth:** Okay, how about Marlboro Lights?

Clerk: Man, today is not your day. All I have are Newports.

**Youth:** Okay, that will do.

Clerk: Hard or soft pack?

**Youth:** Hard.


Clerk: That will be \$9.60.

**Youth:** Here you go.

Clerk: Thanks, and have a good day.

# Washington State Compliance Check Form

The form below is filled out after each site is checked. The youth is responsible for answering the questions in section I.

		<b>YOUTH TOBACCO PREVENTION PROGRAM COMPLIANCE CHECK DATA REPORTING</b>	
BUSINESS NAME		UBI NUMBER	
ADDRESS		CITY	ZIP
DATE OF CHECK		TIME OF CHECK (CHECK ONE BOX) <input type="checkbox"/> A.M. (1) <input type="checkbox"/> P.M. (2)	
<b>SECTION I</b>			
<b>Type of Business:</b> <input type="checkbox"/> Convenience Store (1) <input type="checkbox"/> Convenience/Gas Station (2) <input type="checkbox"/> Gas Station Only (3) <input type="checkbox"/> Restaurant (4) <input type="checkbox"/> Bar/Lounge (5) <input type="checkbox"/> Grocery Store (6) <input type="checkbox"/> Pharmacy/Drug Store (7) <input type="checkbox"/> Department Store (8) <input type="checkbox"/> Tobacco Discount store (9) <input type="checkbox"/> Other: _____			
<b>Were you asked your age?</b> <input type="checkbox"/> Yes (1) <input type="checkbox"/> No (2)			
<b>Were you asked for identification?</b> <input type="checkbox"/> Yes (1) <input type="checkbox"/> No (2)			
If YES, did you show ID? <input type="checkbox"/> Yes, Driver's License (1) <input type="checkbox"/> Yes, Military Dependents ID (3)			
<input type="checkbox"/> Yes, State ID (2) <input type="checkbox"/> Did not use ID (4)			
If YES, did escort check ID? <input type="checkbox"/> Yes (1) <input type="checkbox"/> No (2)			
<b>Was the required yellow sign posted at the point of purchase?</b> <input type="checkbox"/> Yes (1) <input type="checkbox"/> No (2)			
<b>How was the tobacco for sale?</b>			
<input type="checkbox"/> Self-serve/picked up tobacco without asking (1)			
<input type="checkbox"/> Vending machine (2) <input type="checkbox"/> Over-the-counter had to ask clerk (3)			
<b>Type of tobacco purchased/attempted to purchase:</b>			
<input type="checkbox"/> Cigarettes (1) <input type="checkbox"/> Smokeless tobacco (3) <input type="checkbox"/> Bidis (5)			
<input type="checkbox"/> Single Cigarette (2) <input type="checkbox"/> Cigar (4) <input type="checkbox"/> Clove Cigarette (6)			
<b>Was the clerk:</b> <input type="checkbox"/> Female (1) <input type="checkbox"/> Male (2)			
<b>How old was the clerk?</b> <input type="checkbox"/> Under 18 (1) <input type="checkbox"/> 18-29 (2) <input type="checkbox"/> 30-49 (3) <input type="checkbox"/> 50+ (4)			
<b>Was a sale made?</b> <input type="checkbox"/> Yes (1) <input type="checkbox"/> No (2)			
If YES, what was the amount of the purchase? \$ _____			
If YES, was the violation referred to the Liquor Control Board for enforcement? <input type="checkbox"/> Yes (1) <input type="checkbox"/> No (2)			
NAME OF YOUTH OPERATIVE	YOUTH'S GENDER <input type="checkbox"/> Female (1) <input type="checkbox"/> Male (2)	YOUTH'S AGE	OFFICE USE ONLY—DATA ENTRY DATE: _____ INITIAL: _____
NAME OF ADULT ESCORT	ESCORT'S TELEPHONE	RETURN COMPLETED FORM TO: Youth Tobacco Prevention Program P.O. Box 47848, Olympia, WA 98504-7848	
<b>SECTION II (Optional)</b> Complete the following only if a sale was made and you want violations issued by the Liquor Control Board. If necessary, the adult escort may wish to go back into the store to discreetly collect this information.			
CLERK NAME FIRST MI LAST			CLERK TELEPHONE ( ) ( ) ( ) ( ) ( ) ( )
CLERK ADDRESS		CITY	ZIP
DATE OF BIRTH	DRIVER'S LICENSE #	EYE COLOR	HAIR COLOR HEIGHT WEIGHT
OTHER INFORMATION			

DOH 345-023 (Rev. 4/01)    White-DOH    Yellow-LCB    Pink-Contractor



# Letter of Immunity for Youth Participants

## Tobacco Prevention Program

401 Fifth Avenue, Suite 900  
Seattle, WA 98104-3818

206-296-7613 Fax 206-296-0177

TTY Relay: 711

[www.kingcounty.gov/health](http://www.kingcounty.gov/health)

Public Health   
Seattle & King County

November 1, 2010

RE: Retailer Compliance Checks—Immunity for Youth Participants

To determine the ease to which youth under the age of eighteen can access tobacco products, retailer compliance checks are being conducted by local health departments and districts. Youth volunteers have agreed to participate in these controlled buys with the approval of their parents or guardians.

State law (RCW 70.155.080) grants immunity to youth participating in tobacco retailer compliance checks:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community service, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity. [1993c 507 § 9.]

This youth is attempting to purchase tobacco as a compliance check volunteer for Public Health-Seattle and King County. All tobacco products obtained through these compliance checks will be returned to the local health department to be used as evidence.

If there are any questions regarding this immunity, please contact Public Health – Seattle and King County, your local Liquor Control Board office or the Department of Health's Tobacco Prevention Program. Public Health – Seattle and King County may be reached at (206) 296-7613.

Sincerely,

Dr. David Flemming, M.D.  
Director and Health Officer

Scott Neal  
Tobacco Prevention Program Manager

## Consent Form (Separate Document)

Once the consent form is completed, please call our office to schedule your training.  
**206-263-8203**