



DEPARTMENT OF HEALTH

News Release

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GOVERNOR

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**ILLEGAL TOBACCO SALES TO MINORS IN HAWAII DECLINES
TO LOWEST RATE EVER**

HONOLULU – The Hawaii State Department of Health has determined this year’s annual statewide survey results for illegal tobacco sales to minors is 4.3 percent; the lowest rate for Hawaii since the first survey was conducted in 1996. Last year’s rate was 6.1 percent. The annual survey is a joint effort between the Hawaii State Department of Health Alcohol and Drug Abuse Division and the University of Hawaii.

“The declining rate for illegal tobacco sales to minors shows the department’s efforts to educate store owners and retail clerks are working,” said Health Director Loretta Fuddy. “However, now more than ever, with an increasing variety of tobacco products becoming available, we need to continue to be vigilant about protecting our youth.”

The survey monitors the state’s compliance with the “Synar” (tobacco) regulations for the federal Substance Abuse Prevention and Treatment Block Grant. To continue to qualify for Block Grant funds, every state must enact and enforce laws that prohibit the sale or distribution of tobacco products to youth under the age of 18. States are also required to annually conduct random, unannounced inspections and document a rate of tobacco sales to minors of no more than 20 percent.

In the Spring of 2012, teams made up of youth volunteers (ages 15-17) and adult observers visited a random sample of 209 stores statewide in which the youth attempted to buy cigarettes to determine how well retailers were complying with state tobacco laws. Nine stores (4.3 percent) sold to minors (ages 15-17). Sales to a minor occurred less than 1.1 percent of the time if clerks

(more)

asked for identification. Of the four counties included in the 2012 statewide survey, the County of Kauai and the County of Maui had no sales, the County of Honolulu had a six sales (4.7 percent sales rate), and the County of Hawaii had three sales (8.1 percent rate). Due to the small sample size, rates for individual counties are not considered statistically reliable.

Hawaii law prohibits tobacco sales to persons under the age of 18 and merchants convicted of selling to minors face a mandatory fine of \$500.

The DOH Tobacco Prevention and Education Program has tools and training packets available at no cost to assist retailers. For more information, go to <http://hawaii.gov/health/healthy-lifestyles/tobacco/index.html>

A fact sheet on the history of Synar inspections in Hawaii follows this release.

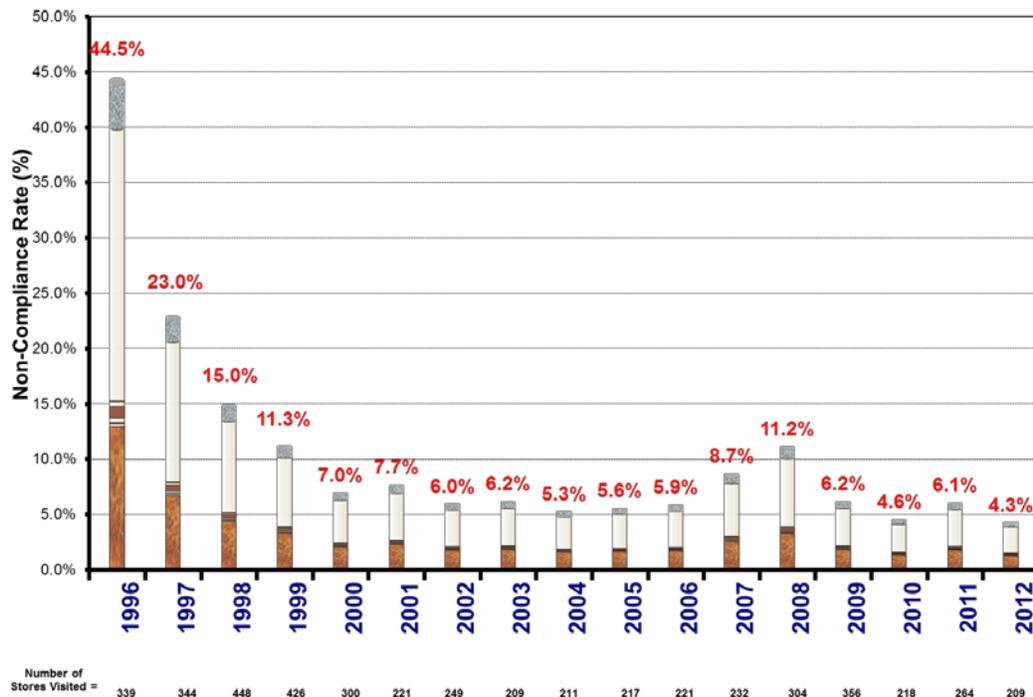
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BACKGROUND INFORMATION:

A Federal law known as the “1992 Synar Amendment” requires all 50 states to enact and enforce laws that prohibit the sale or distribution of tobacco products to youth under age 18. States are also required to annually conduct random, unannounced inspections and document a rate of tobacco sales to minors of no more than 20% or be subject to a penalty of 40% of their Federal Substance Abuse Prevention and Treatment Block Grant funding.

State of Hawaii Tobacco Sales to Minors: Synar Inspections



On June 22, 2009, the Family Smoking Prevention and Tobacco Control Act (FSPTCA) was signed into law, granting authority to the U.S. Food and Drug Administration (FDA) to regulate tobacco products. Starting in Sept. 22, 2009, the FDA put into effect a ban on cigarettes containing certain characterizing flavors. According to the act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Any company who continues to make, ship or sell such products may be subject to FDA enforcement actions.

On June 22, 2010, under the Family Smoking Prevention and Tobacco Control Act, the FDA issued the new rule, Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents, which restricts the sale, distribution, and promotion of these products to make them less accessible and less attractive to kids. Below is a brief summary of some of the regulations that are in effect.

- Bans sale of cigarettes or smokeless tobacco to anyone under age 18. (If the minimum age in your State is more than 18, you must comply with the State age requirement).
- Retailers must examine a photographic identification bearing the person's birth date to verify that any person purchasing cigarettes or smokeless tobacco is at least 18 years old. Verification is not required for purchasers who are over the age of 26.

- Forbids tobacco brand-name sponsorship of any "athletic, musical, or other social or cultural event, or any team or entry in those events."
- Bans sale of cigarette packs containing fewer than 20 cigarettes.
- Bans sale of cigarettes via vending machines or self-service displays "except in very limited situations."
- Prohibits free samples of cigarettes and limits samples of smokeless tobacco.
- Forbids gifts in exchange for buying tobacco products.
- Allows only words -- and no music or sound effects -- in audio ads for tobacco products.
- Bans the sale or distribution of gear, such as hats and T-shirts, with tobacco brands or logos.

Requesting identification has been the strongest factor associated with sales and continues to be a key recommendation. An additional recommendation is to educate clerks to enforce the rule No ID, No SALE.