A Guide to Conducting Tobacco Compliance Checks

Trainer’s Manual
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## Glossary of Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age Appraisal</td>
<td>Assessment of apparent age of youth being considered as inspectors. (Appraisal may entail asking a group of teachers to rate teens on how old they look. Teens who appear much older or younger than their age are disqualified as inspectors.)</td>
</tr>
<tr>
<td>Compliance Check</td>
<td>Purchase attempt, undercover buying operation, store inspection, or sting (with enforcement only).</td>
</tr>
<tr>
<td>Consummated Sale</td>
<td>The teen pays for a tobacco item. The cigarette pack or smokeless tin is gathered as evidence of a sale.</td>
</tr>
<tr>
<td>Debriefing</td>
<td>Inspection teams gather for review and discussion after conducting compliance checks.</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Action taken by authorities to inform merchants of the results of the compliance check in their stores; action may be positive (letter of commendation) or negative (warning, citation, fine, revocation of license, etc.).</td>
</tr>
<tr>
<td>Entrapment</td>
<td>The clerk is tricked or cajoled into selling to a minor because the minor has lied about his or her age, presented a false ID, or in some way intimidated the vendor into doing something illegal that would not otherwise be done.</td>
</tr>
<tr>
<td>Over-the-Counter Display</td>
<td>Tobacco products are out of reach of customers. The buyer has to request them from a clerk.</td>
</tr>
<tr>
<td>Self-Service Display</td>
<td>Any tobacco display where customers can actually touch the pack, including promotional displays at the sales counter.</td>
</tr>
<tr>
<td>Unconsummated Sale</td>
<td>The teen buyer cancels the tobacco purchase before the sale is finalized. An attempt is considered a “sale” if the clerk rings up the sale on the cash register or asks for the money. Also called an “interrupted purchase.”</td>
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</tbody>
</table>
INTRODUCTION

The purpose of tobacco compliance checks is to help states and communities reduce illegal sales of tobacco to minors, so that fewer youth use and become addicted to nicotine, thereby reducing the suffering and unnecessary loss of life associated with tobacco use.

This manual and the companion video Teens Taking Action! are intended to be used to train teen inspectors on how to conduct tobacco sales compliance checks. These materials were developed as resources for State and local agencies responsible for monitoring tobacco sales to minors as mandated by the Synar Regulation. Following the procedures presented in the video and this manual ensures that compliance checks are conducted consistently from year to year and from place to place. Furthermore, Federal agencies, local tobacco enforcement officials, and researchers will find these materials useful in preparing staff for tobacco outlet inspections that are conducted for purposes other than Synar requirements.

This training manual outlines a sample training day, with the video as the core of the agenda and provides suggestions on how to structure the training and what additional information to cover in the training session. Showing the video alone is not sufficient training.

While the video is geared to teenagers, all of the information is relevant as well for the adult escorts who accompany teen buyers. Suggestions for additional training for adult escorts are included in this manual.

The video is available in two versions — Consummated and Unconsummated — to correspond to both protocols. The manual discusses both types of purchases. Guidelines relevant only for one or the other are designated with the following graphic symbols:

![Graphic symbols]

Not everything that is shown on the video may be applicable to your program, and there may be additional procedures that you need to review with teens that are not shown on the video. Special instructions in the manual are denoted with the following graphic symbols:

![Graphic symbols]
The following issues must be addressed and resolved by your agency or group before teens are recruited and trained to conduct tobacco outlet compliance checks. Additional information on these issues is presented in the Tobacco Outlet Inspection Guidance document published by the Substance Abuse and Mental Health Services Administration (SAMHSA) and available through the National Clearinghouse for Alcohol and Drug Information (NCADI).

- **Personal liability:** Are teen inspectors covered under your agency's general liability insurance or are special waiver arrangements required?

- **Parental consent:** Are procedures developed and in place for getting parental consent for participation of minors in inspections?

- **State and local laws:** Have you checked State and local statutes governing the use of minors in tobacco inspections to be sure your procedures comply with all regulations? You need to obtain a letter of immunity from the State's Attorney's office to protect minors if it is illegal for underage persons to purchase or attempt to purchase tobacco products.

- **Law enforcement:** If law enforcement is to be involved, have you developed clear protocols for teen roles and responsibilities? If they are not involved, do law enforcement agencies need to be made aware of your planned inspections?

- **Adult escorts:** Have adult escorts been selected and their responsibilities reviewed? Have their driver's licenses and driving records been checked? Have they seen the training video?
SAMPLE TRAINING DAY

Training Agenda

1. Welcome and introductions
2. Icebreaker game (optional)
3. The local project
4. Teens Taking Action! video
5. Snack break (optional)
6. Procedures, questions, and answers
7. Role plays for teens
8. Additional procedures for escorts
9. Administrative issues and team assignments
10. Debriefing (after teams have conducted inspections)

1. Welcome and Introductions (5 minutes)

Give nametags to all participants. Nametags help people get to know each other and make the introductions easier for the trainer. When introducing the teens, mention how they were recruited (through a school, club, community organization, etc.).

2. Icebreaker Game (Optional) (10–15 minutes)

To encourage teens to feel comfortable being teamed up with people they might not know, it is useful to begin the training with an ice breaker game. Included are suggestions for two games that work well with teens and can be completed in 10–15 minutes.

Who Am I?

Supplies: Self-stick nametags, one per person.

Preparation: On each nametag, write the name of a TV personality, musician, movie star, politician, or celebrity that teens would recognize.

Game Instructions: Place a nametag on each teen’s back (or forehead). Tell the group not to reveal what anyone else’s tag says. Teens must try to find out who their famous person is by asking questions of other people. Only YES and NO answers may be given. There is a limit of 20 questions. They may sit down when they have correctly guessed who they are.
Tobacco Puzzles

Supplies: Photocopies or magazine pages of tobacco advertisements or other relevant pictures. Select as many pictures as there are tables for seating at the training.

Preparation: Cut each picture into puzzle pieces. Place one piece from each puzzle on a separate table and mix the rest of the pieces together in a bag. The goal is to put each puzzle back together.

Game Instructions: Each person takes a puzzle piece and finds the correct puzzle for the piece. Participants sit at that table during the training.

3. The Local Project (10–20 minutes)

Explain to the participants the reason tobacco compliance checks are being conducted in your community. Mention all agencies and groups that are participating in the project. Specifically, you should cover:

- What is the local tobacco law? Is the minimum age 18 or older?
- If relevant, mention current FDA regulations that require a photo ID from anyone under 27 years of age.
- What geographic area is to be covered?
- What is the time period during which this area is to be inspected?
- How many stores will be inspected? What kinds of stores?
- Will inspections be combined with enforcement? What is the general form of the enforcement activities?
- Will there be any media coverage of inspections?

4. Teens Taking Action! Video (approx. 23 minutes)

The video is intended to be viewed without interruption. Trainees should know that the video will give them a sense of what it is like to conduct tobacco inspections. All the procedures will be reviewed during the training.

5. Snack Break (Optional) (5–10 minutes)

This may be a good point to take a brief break to stretch and get a snack! Experience shows that teens maintain attention better with a snack break.

6. Procedures, Questions, and Answers (20 minutes)

In reviewing inspection procedures, highlight where your protocol differs from that shown in the video.

Makeup of teams
- How many teens and escorts are on your teams?
- Do teens go into the store alone or in pairs?
- Who are the escorts in your program (parents, police officers, etc.)? Briefly explain their role.

Type and brand of tobacco
- Which brand of cigarettes should be requested? The brands currently preferred by teens are Newports among African-Americans and Camels or Marlboros among all other teens.
- Will smokeless tobacco items be included? Explain how teens will know whether to request cigarettes or smokeless, and give brand names.

The purchase attempt procedure
- An adult escort goes into the store a minute or so before the buyer.
- The buyer enters the store and locates the tobacco items.
- If tobacco items are in a self-service display, the teen takes the item to the cashier. Otherwise the teen requests the item from the clerk at the counter where tobacco is sold.
- If the clerk asks for identification, the teen responds that she or he does not have any (teens should not have identification with them during the inspections).
- If asked their age, teen buyers respond truthfully.
- If asked for whom they are buying the tobacco, they respond, "For myself."
- Teen buyers should not purchase anything but the tobacco.
If the clerk rings up the sale on the cash register or asks for the money, it is considered a sale. The teen buyer must cancel the sale by "discovering" that she or he does not have enough money.
- The buyer leaves the store and goes immediately to the car.
- The adult escort observes the interaction unobtrusively and may make a small purchase to legitimize his or her presence in the store.

OR

- If a clerk is willing to sell, the buyer hands over the money and takes a receipt, if required by the program.
- The teen buyer leaves and goes immediately to the car.
- The adult escort observes the interaction unobtrusively. Some programs may require that the escort note the exact time when the sale took place.
- The tobacco item is placed in a plastic bag with a label indicating the date and time of sale and the store name or identification number.

Once the escort and buyer are both in the car, the escort fills out the data collection form with input from the buyer.

Unusual situations
- Teens should not make a tobacco purchase attempt if they know anyone in the store. To minimize the likelihood of this occurring, assign buyers to inspect stores outside their home and school neighborhoods.
- Having a uniformed police officer in the store may influence the way the clerk behaves. To avoid biasing your inspection results, a store should be skipped if a uniformed officer is present. The store can be revisited later.
- Teens should never engage in arguments with anyone in the store. If a clerk becomes verbally abusive, the buyer should simply leave. The escort can intervene if needed.
- If a clerk suspects that the teen is an inspector or that the escort and the buyer are together, the buyer should leave the store without attempting to purchase tobacco.
Vending machine purchase attempts
- If vending machine locations are checked for compliance, explain what types of establishments will be included (stores, bars, restaurants, clubs).
- If there is a locking mechanism on the vending machine, a teen inspector has to request that the clerk release the lock.
- If a token must first be purchased from a clerk, the teen should follow the same procedure used for over-the-counter purchase attempts.

Unconsummated Procedures: The buyer should put just a couple of coins in and pull the lever. If no one from the store stops the buyer, the attempt is considered a "sale." The buyer needs to remember to retrieve the coins he or she put in. If there is a locking mechanism or a token, the purchase attempt is considered a "sale" if the clerk is willing to unlock the machine or sell a token.

Consummated Procedures: The buyer needs to insert the appropriate amount of coins or a purchased token and select the designated brand.

Safety issues
- Safety belts must be worn when the car is in motion.
- A store will be skipped if any team member feels that it is not safe to go into the store (i.e., people loitering outside, bars in the windows, etc.).
- The driver will observe the store from inside the car and alert the adult escort in the store if something suspicious is going on outside.

Enforcement issues
- Entrapment is a concern in inspections. Explain what it is and that it is crucial to not trick the clerk into selling. The outcome must reflect what a clerk would normally do when asked by a minor for tobacco.
- A store owner will not know the identity of the teen who conducted the compliance check. However, if the teens may have to testify in court, explain the process.
7. **Role Plays (Teens Only) (20 minutes)**

Role plays are an important part of teen inspector training; they allow the teens to practice saying their lines aloud.

Role plays are particularly crucial if teens will be making unconsummated buys because the most awkward part may be having to give an excuse to cancel the sale.

Divide participants into pairs or threesomes and instruct them to take turns role-playing the buyer and the clerk. After role-playing, discuss how it felt to be the buyer and what was easy or hard about each situation.

**Scenarios**
1. The clerk is willing to sell, no questions asked.
2. The clerk looks at the buyer carefully, asks for ID, and won't sell.
3. The clerk is willing to sell; a bystander makes comments about the buyer's age.
4. The clerk asks for the buyer's age, then calls the manager over. The manager says they don't sell to minors.
5. The clerk is willing to sell but gets annoyed at canceling the sale.
6. The clerk gives a speech to the minor about not smoking.
7. The clerk gets angry at the buyer for trying to get him or her into trouble.
8. Make up your own scenario.

8. **Additional Procedures for Adult Escorts (20 minutes)**

While teens are role-playing, additional procedures can be covered with the adults.

**Safety**
- Both driver and passengers must wear seatbelts.
- If a store is skipped because it appears unsafe, the escort needs to note this on the data collection form.
Navigating and parking
- The escort and driver should review their maps and plan their route before starting.
- The driver should park out of the view of the clerk if possible. Good places are next to dumpsters or by the restrooms or vending machines.

Observing the purchase attempt
- The adult escorts need to keep teen buyers in sight but at the same time not look suspicious.
- The escort can stand in line behind the teen buyer.
- The escort may make a small purchase; however, cost limitations should be explained. In advance of an attempt, escorts could ask teens what drinks or snacks they may want.
- The escort can intervene if a clerk or manager becomes abusive to the buyer. Both the escort and teen need to leave the store without engaging in arguments.

Encouraging and motivating teens
- Adult escorts need to remind teens that the inspection is a fact-finding mission. Success is not getting the clerk to sell but obtaining an accurate picture of the clerk's willingness to sell.
- Escorts should take time to listen to a teen's story of what happened, especially if it was unpleasant.
- Escorts can assure teens that they are doing a good job.
- Escorts should watch for signs of frustration or fatigue. The teen may benefit from a break.

Keeping records
- Explain the procedure for storing tobacco items (bags, labeling of bags, etc.).
- Review the data collection form and instructions on how to fill it out. A sample form is included at the back of this manual; your form may differ.
- Do not take the form into the store.
- Submit a data collection form for each store on the list with a reason why no purchase was attempted (e.g., store was closed, out-of-business, could not be found, etc.).
• Fill out the form immediately after the inspection is completed.
• Include information from the teen. While the adult should be the record-keeper, the form should be completed with input from the teen.
• Review the form for completeness. If something unusual or notable happened, such as comments made by other customers, include a description.

**Acting in an enforcement capacity**
• Review the details of your enforcement procedures with escorts.

9. **Administrative Issues and Team Assignments (10 minutes)**
• Collect consent forms with parental signatures from teens.
• Announce teams and give packets to team leaders.
• Explain when and where the packets are to be returned.
• If inspections are not conducted immediately following the training, review the date, time, and place for teams to meet. Arrange for rides if needed.

10. **Debriefing (after inspections have been completed) (30–60 minutes)**

Depending on the scope of your project, a debriefing can be held at the end of the day after teams have returned from their assignments or at a later time if assignments are carried out over a large geographic area or take several days. A debriefing allows teens to share their experiences and to relate anecdotal information. A debriefing can be set up as a pizza party, which serves as an additional incentive for teens to participate.

Suggested discussion topics for the debriefing:

• **Safety** - Did you feel unsafe at any time? What made you feel unsafe?

• **Canceling the sale** - What did it feel like to cancel the sale? Did anyone get annoyed at you? Which excuse did you feel most comfortable with?
• **Being turned down** - How did it feel to be turned down? Did you feel competitive with your partner? Did you want to congratulate the clerk when she or he turned you down?

• **Unusual situations** - Did you experience anything out of the ordinary during inspections? How did you deal with the situation? Could the adults have helped out more?
data collection form

I. Background Information

1. Store ID:    
2. Name of Store:    
3. Address:    

   City   County   Zip Code

4. Inspection date:   LEN   LEN   LEN   LEN

5. Time of visit:   LEN   LEN

6. Status of inspection:
   - Store located, inspection attempted
   - Store located, inspection not attempted for safety reasons
   - Store located, inspection not attempted because minor knew someone in store
   - Store located, but closed at time of survey
   - Store located, out of business
   - Unable to locate store

7. Adult escort ID:    
8. Minor ID:    

II. Purchase Attempt

9. Type of outlet
   - Gas station only
   - Convenience (with gas)
   - Convenience (without gas)
   - Small food store (deli)
   - Supermarket
   - Drug store/pharmacy
   - Liquor store
   - Discount store
   - Hotel/motel
   - Restaurant
   - Bowling alley
   - Stand-alone bar
   - Other:    

10. Minor's characteristics:
   a. Age: LEN    
   b. Gender:  M  F    
   c. Race/ethnicity
      - White
      - African American
      - Asian
      - Native American
      - Other:    

11. Type of tobacco requested
   - Package of cigarettes
   - Single cigarettes (i.e., loosies)
   - Chewing tobacco
   - Cigars
   - Other:    

12. Brand of tobacco requested:    

13. The tobacco in purchase attempt was (check one only):
   - Requested from a clerk
   - Self-service
   - In a vending machine

If purchase attempt involved a salesclerk:

14. Clerk characteristics:
   a. Age: LEN    
   b. Gender:  M  F    

15. Salesclerk asked for age:
   - Yes
   - No

16. Salesclerk asked for age identification:
   - Yes
   - No

17. Attempted sale outcome:
   - Yes, a sale was made
   - No, a sale was not made

If purchase attempt was from a vending machine:

18. Does vending machine need special tokens?
   - Yes
   - No

19. Does vending machine have a locking device?
   - Yes
   - No

20. Is vending machine operational?
   - Yes
   - No

21. Did anyone ask for age?
   - Yes
   - No

22. Did anyone ask for identification?
   - Yes
   - No

23. Attempted sale outcome:
   - Yes, a sale was made
   - No, a sale was not made
III. Store Observation

24. Vending machine present?
   - Yes
   - No

25. Were single, unpackaged cigarettes for sale?
   - Yes
   - No

26. Was a “no sale” warning sign posted?
   - Yes
   - No

27. Does it comply with State law?
   - Yes
   - No

28. Location of warning sign(s):
   - Checkout counter
   - Doors/windows
   - Other:

29. Location of tobacco products in the store:
   a. Behind the counter
      - Yes
      - No
   b. Open shelves or racks (self-service)
      - Yes
      - No
   c. Locked cases or enclosed area (clerk-only access)
      - Yes
      - No

IV. Comments and Observations


V. Postsurvey Activities (if combined with enforcement/education)


For ordering information, please contact SAMHSA's National Clearinghouse for Alcohol and Drug Information (NCADI) at 1-800-729-6686.