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Official wants city to adopt tobacco law

FEELING THE STING?: Teenage decoys able to buy tobacco in Hemet 83 percent of the time.

By CHARLES HAND/The Valley Chronicle

A Riverside County Health Department official wants the Hemet City Council to revisit its decision to stay with state law on the sale of tobacco to teens, rather than adopting a law recommended by the county.

Robert Peterson, coordinator of the county's tobacco license program, said cities that have adopted the county law have seen a drop - sometimes a dramatic drop - in the ability of teens to buy tobacco, a decrease he said Hemet has not seen.

San Jacinto has adopted the law, but Peterson said he has no figures on whether it has reduced illegal sale of tobacco to teens.

The Health Department periodically runs sting operations in which 14- or 15-year-old youngsters try to buy cigarettes while adult officials watch. It is from those stings that the probability of success is determined, Peterson said.

In Hemet, the teen decoys succeed 83 percent of the time, Peterson said. In cities that have adopted the county law, the success rate can drop to zero, he said.

Hemet Mayor Marc Searl said Hemet is willing to reconsider adopting the law, but that he does not know when the City Council may take another look at the issue. No near-term consideration is planned, though.

Peterson said the major advantage of the local law over state law is that it provides a stiff penalty for each violation that can include suspension or revocation of a license. Merchants who want to sell tobacco in cities covered by the law or in the unincorporated areas must pay a \$350 license fee, which finances the enforcement effort, including the stings.

"It has been illegal in California to sell tobacco to a minor for over 100

years, but historically the chance of getting caught has been remote and the penalties have been slight. Because of licensing, merchants have strong financial incentives to check IDs and not sell to minors," Peterson said.

The loss of a license, which forces an end to the sale of tobacco products for a temporary period of time or permanently, can cost a merchant \$1,000 per day in sales, Peterson said, with as much as 10 percent coming from sales to minors.

Most convenience stores get 40 percent of their income from the sale of tobacco and 30 percent of their income from the sale of beer, Peterson said. That provides powerful incentive to follow the law, Peterson said.

Most do, Peterson said.

"It is a very distinct minority of the population that sells tobacco to minors."

The results of the sting operations suggest that adopting the license law and its penalties can substantially reduce the sale of tobacco to minors, he said.

However, even large chains have occasionally been caught in the stings, indicating that even those with every intention of following the law can slip up, he said.

Before the Board of Supervisors adopted the law countywide in the fall of 2005, under-age decoys were able to buy tobacco 44 percent of the time, one of the highest rates in the state, Peterson said. After the ordinance was adopted, the success rate dropped to 15 percent.

The supervisors urged cities to adopt the law because 75 percent of tobacco merchants operate in cities.

In cities that have adopted the law, violations have dropped dramatically, said Peterson.

In Corona, where decoys were able to buy tobacco 30 percent of the time before the law was passed, the success rate dropped to zero afterward. In neighboring Norco, the success rate before the law was adopted was 32 percent, but fell to 6 percent after the law was adopted.

In Murrieta, the violation rate fell from 27 percent to 5 percent.

The law has also been stiffened with store owners held responsible for the actions of employees, which means that, instead of issuing citations to clerks who sell tobacco to minors, the licenses can be revoked for stores with repeated violations.

That can be important in some areas, Peterson said. "Some stores seem to be magnets."

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