



## PROTOCOL & PROCEDURES

The purpose of tobacco compliance checks is to help communities reduce illegal sales of tobacco to minors. As a result, fewer minors will use tobacco products and become addicted to nicotine. This will reduce the suffering and unnecessary loss of life associated with tobacco use.

The following rules and guidelines presented in this protocol ensure that compliance checks are conducted consistently from year to year and from retailer to retailer.

### GENERAL RULES and GUIDELINES

- The compliance check team should consist of one adult and two minors when possible.
- Minors must be supervised by adult.
- Youth participants must be 16 or 17 years of age.
- A photo of the minor(s) should be taken before the investigation.
- The adult should plan the route before beginning the inspections. This includes reviewing maps, checking retailer hours online or by calling, etc.
- The Inspection Form should stay in the vehicle with the adult and be filled out after the purchase attempt is completed. The Inspection Form should be filled out completely so data can be accurately reported into the WI Wins data base.
- The Inspection Form is an official public record and could be used in legal circumstances. Only compliance data and related information should be written on the Inspection Form.
- Information and experiences from these checks should be shared only within the team membership.
- If a retail outlet is closed or if conditions are unsafe for inspecting, this information should be noted on the data collection form with an explanation as to why the inspection was not completed. If the business is closed, note the business hours.
- The goal of the compliance check is to provide an accurate reflection of a sale to minors, not to get the employee to sell. Therefore, it is required that the minors do not alter their appearance and are always honest and straightforward.

### RESPONSIBILITIES and PROTOCOL for ADULTS

#### Safety Issues

- All traffic laws must be obeyed and seat belts must be worn at all times.
- The inspection should not be conducted if the retail site or area is perceived as unsafe by the adult supervisor or a minor.

#### Navigating and Parking

- Adults must do all of the driving. Youth are not allowed to drive.
- Cars should be parked in a location where the minors are able to exit and enter the vehicle safely but not within view of the retail outlet personnel.
- Adults will conduct an initial review of the retail establishment and make a decision regarding safety. If there is a question, the adult will enter the establishment first and determine if an inspection can be made. The adult may enter under the pretense of using the phone, asking for directions, etc. so as not to alert the retail employee. If the outlet or neighborhood appears unsafe to either a minor or an adult, the minors should not enter.

#### Observing the Purchase Attempt

- Adults must keep an eye on the minors upon entry and always be prepared to intervene if a problem arises.
- In the event of any problems, the adult should enter the store immediately, provide proof of identity and affiliation, and explain that this is an official compliance check. A letter from the sponsoring health/police department authorizing program activities can be provided.



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### RESPONSIBILITIES and PRECAUTIONS for YOUTH PARTICIPANTS

- Both minors should possess a copy of an authorization letter at all times.
- The roles of the “purchaser” and the “observer” should be attributed to the minors before they enter the retailer.
- The appearance of the minor(s) may not be altered. They must dress normally and act naturally at all times. The intent is to portray a normal event, not to fool the retailer.
- Behaviors or mannerisms that could be perceived as gang-related should be avoided at all times.
- The minors should leave the store immediately if any situation appears unsafe. This should be noted on the Inspection Form.
- If someone who is known to a minor or adult works or is present in the retail site, the minors should exit the store without attempting to make a tobacco purchase. This should be noted on the Inspection Form.

### RESPONSIBILITIES and PRECAUTIONS for YOUTH PARTICIPANTS

#### **Purchaser Role:**

- Take enough money into the store to complete the purchase.
- Once inside, quickly locate the tobacco products.
- Be truthful at all times. If asked your age, honestly state your actual age.
- The use of an identification card is at the discretion of the MJC/local contractor.
  - If identification card is used, it must be a valid government-issued identification card.
  - If identification cards are not used, leave ID in the car. If identification is requested, say “I don’t have any identification on me.”
- If the tobacco product is available only in open, unlocked displays, pick up the tobacco product and place it on the counter.
- If the tobacco product is available only from a clerk-assisted sale (i.e., behind the counter or in a locked case), request their choice of tobacco product (Marlboro, Snus, Swisher Sweets, etc.).
- If the tobacco product is available in both open, unlocked displays and behind the counter, pick up the tobacco product from the open, unlocked display.
- If the location sells tobacco both over the counter and from vending machines, attempt to make the purchase from the vending machine.
- For vending machines, if operated with tokens or controlled by a locking device, initiate the steps required for a sale. Purchase tokens or ask the clerk to turn the vending machine on. If the clerk requests ID, respond as stated above.
- Once the clerk has rung up the sale, pay for the product and leave the store immediately.
- Information about the inspection should be recorded completely on the Inspection Form.
- Any purchased tobacco product should be given to the adult supervisor.

#### **Observer Role:**

- Keep the purchaser in view at all times.
- If the purchaser appears to be having a problem that in any way seems unsafe, notify the adult for immediate intervention.
- Make a mental note of whether or not the outlet has a warning sign as well as the type and location of the sign.
- Make a mental note of the gender and approximate age of the employee.
- Leave the store with the purchaser.



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### PURCHASE ATTEMPT & FOLLOW-UP

#### **Purchase Attempt Procedure**

- The two minors should enter the store together.
- If one of the minors sees someone he/she knows (such as a friend, teacher, coach) the minors should exit the retail outlet.
- The purchaser locates the tobacco items and attempts to purchase.
- If the clerk is unwilling to sell, the purchaser leaves the store and goes immediately to the car.
- If a purchase is made, tobacco should be documented according to health department/law enforcement protocol.

#### **Completing the Inspection Form and Debriefing**

- The Inspection Form should not be taken into the retail outlet.
- The Inspection Form should be thoroughly completed based on the information given by the minor after each inspection attempt.
- Time for debriefing should be allowed after each attempt and at the end of the day. The minors should always be encouraged to process their impressions and feelings about the inspections.

#### **Follow-Up**

- Per state statute, if a retailer was not in compliance, a good faith effort must be made to inform the retailer within 72 hours of any compliance check that resulted in a sale, the results of the inspection and information about the citation or warning, if issued.
- Per state statute, all retailers that are investigated must be sent a letter within 10 days after the investigation is conducted providing the following information:
  - The date and time of the investigation
  - A reasonably detailed description of the circumstances giving rise to a violation, if any, or, if there is no violation, written notice to that effect
  - The age of the minor
  - The name and position of the governmental regulatory authority employee who directly supervised the investigation



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### UNCOMPLETED COMPLIANCE CHECKS

Due to uncontrollable situations that affect local investigations, WI Wins allows **one** uncompleted check (Out of Business, Business Closed, Doesn't Sell Tobacco, etc) per retailer to count towards the annual contracted total of compliance checks. If the retailer is checked a second time and is considered an **Uncompleted Check** for any reason, this will not count towards your contract total. While uncompleted checks are allowed as stated, these should be the exception.

#### Protocol:

- If you attempted to check a retailer and found that it is **Out of Business**, do not return to check the retailer again.
- If you attempted to check a retailer that was **Closed**, note the listed business hours (make a phone call if necessary) and schedule your next investigation in accordance.
- If you attempted to check a retailer that was **Unsafe**, determine whether the unsafe situation was temporary or long-term. If the unsafe situation will reoccur, do not return to check this retailer. If the unsafe situation was temporary, take planning precautions and recheck at your discretion.
- If you attempted to check a retailer and were **Unable to Locate It**, research the exact location before scheduling your next investigation.
- If you attempted to check a retailer that **Does Not Sell Tobacco**, check with the appropriate municipal clerk to see if the business maintains a tobacco license. If it does, recheck at your discretion.
- If you attempted to check a retailer where the youth said **Someone Knew Me**, take planning precautions to avoid the situation occurring again and recheck at your discretion.

#### Reporting:

- If a retail outlet is closed or if conditions are unsafe for inspecting, this information should be noted on the data collection form. Include a detailed explanation as to why the inspection was not completed. If the business is closed, note the business hours.

For more information on the laws that guide this protocol, refer to [Wisconsin State Statute 134.66](#), which restricts the sale of tobacco to anyone under the age of 18 and [Wisconsin State Statute 254.916](#), which authorizes unannounced investigations at retail outlets to enforce compliance with 134.66.