



DIVISION OF ALCOHOL AND TOBACCO CONTROL TOBACCO COMPLIANCE BUY FORM

11 CSR 70-3.020. Guidelines for Using Minors in Tobacco Investigations

The following shall constitute guidelines for the use of minors in tobacco or investigations by a state, county, municipal or other local law enforcement authority. All boxes must be checked for the Division to take administrative action against a licensee:

- ☐ The minor shall be seventeen (17), years of age;
- ☐ The minor shall not have any tobacco related offenses;
- ☐ The minor shall have a youthful appearance and the minor, if a male, shall not have facial hair or a receding hairline; if a female, shall not wear excessive makeup or excessive jewelry. The minor, male or female, shall not wear headgear that will obstruct a clear view of the face or hairline.
- ☐ The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the intoxicating liquor or nonintoxicating beer at the licensed establishment; and the state, county, municipal or other local law enforcement agency shall search the minor prior to the operation to ensure that the minor is not in possession of any other valid or fictitious identification;
- ☐ The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age, nor misrepresent anything in order to induce a sale of tobacco products.
- ☐ The state, county, municipal or other local law enforcement agency shall make a photocopy of the minor's valid identification showing the minor's correct date of birth;
- ☐ Any attempt by such minor to purchase tobacco products shall be videotaped or audio-taped with equipment sufficient to record all statements made by the minor and the seller of the tobacco products;
- ☐ The minor shall not be employed by the state, county, municipal or other local law enforcement agency on an incentive or quota basis;
- ☐ If a violation occurs, the state, county, municipal or other local law enforcement agency shall, within two (2) hours, make reasonable efforts to confront the seller with the minor, if practical, and further, within forty-eight (48) hours, contact or take all reasonable steps to contact the owner or manager of the establishment;
- ☐ The state, county, municipal or other local law enforcement agency shall maintain records of each visit to an establishment where a minor is used by the state, county,

municipal or other local law enforcement agency for a period of at least one (1) year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

- A photograph of the minor taken immediately prior to the operation;
 - A photocopy of the minor's valid identification, showing the minor's correct date of birth;
 - A Parent/Legal Guardian Authorization and Consent Form;
 - An Information and Consent document completed by the minor in advance of the operation on a Division of Alcohol and Tobacco Control Form;
 - The name of each establishment visited by the minor, and the date and time of each visit;
 - The audio-tape or video-tape as specified above; and
 - A written Minor Report on a Division of Alcohol and Tobacco Control Form:
- ☐ The state, county, municipal or other local law enforcement agency must provide prerecorded currency to the minor, to be used in the operation, and, if a violation occurs, must make all reasonable efforts to retrieve the pre-recorded currency. If a violation occurs, said agency shall further secure and inventory any tobacco products purchased; and
- ☐ The state, county, municipal or other local law enforcement agency must, in advance of the operation, train the minor who will be used in the operation, which training shall, at a minimum, include:
- 1) instruction to enter the designated establishment and to proceed immediately to attempt to purchase tobacco products;
 - 2) instruction to provide the minor's valid identification upon a request for identification by the seller;
 - 3) instruction to answer truthfully all questions about age;
 - 4) instruction not to lie to the seller to induce a sale of tobacco products;
 - 5) instruction on the use of pre-recorded currency; and
 - 6) instruction on the other matters set out in regulation 11CSR 70-3.020.

The Supervisor of Alcohol and Tobacco Control shall not participate with any state, county, municipal, or other local law enforcement agency, nor discipline any licensed establishment after March 30, 2002, when any state, county, municipal, or other law enforcement agency chooses not to follow the Supervisor's standards.

AUTHORITY: Section 407.934.6, RSMo.

The above areas have been completed and have been explained to the minor.

Signature and Date by Peace Officer

Signature and Date by Minor

