

FREQUENTLY ASKED QUESTIONS ABOUT COMPLIANCE CHECKS

What are compliance checks?

Specifically, compliance checks refer to the organized use of an under-aged person attempting to purchase alcohol or tobacco from an establishment to see if the seller properly follows the law and refuses to allow the purchase. However, a comprehensive compliance check intervention is broader in that it includes (1) development of community support for compliance checks, (2) use of media or other means to publicize the upcoming compliance checks, (3) frequent compliance checks involving law enforcement administering penalties to the seller and license holder, and (4) offering comprehensive merchant education.

What is the difference between on-premise and off-premise?

On-premise refers to bars, restaurants, and clubs where the alcohol is sold and consumed in the same location. Off-premise refers to stores where alcohol or tobacco is sold. While the general principle of compliance checks extends to both, most of the information in this FAQ sheet refers to off-premise sales.

What is the difference between comprehensive tobacco compliance checks and the annual Youth Tobacco Buys (Synar)?

They are very different. The main differences are that Synar buys do not involve publicity before the checks or law enforcement and penalties. Also, Synar buys in South Carolina involve one check of a store each year, while comprehensive compliance checks need to be more frequent. In terms of the actual youth purchase attempt, the two are run very similarly.

Why would you use the media or other means to let merchants know that the compliance checks are coming?

The point of compliance checks is not to catch merchants or gather data. Compliance checks are intended to prevent illegal sales to youth. If a community can create and maintain a perception among merchants that they have a high likelihood of being punished if they sell to an underage person, they will be much more cautious and proper in their checking of identification, which is the goal.

Who gets punished if a sale is made?

The clerk should be ticketed, and the proper charge is “sale of tobacco to a minor” or “sale of alcohol to a minor.” Ideally, appropriate information would be sent to SLED for them to bring charges against the license holder for the establishment, but SLED does not always adopt cases that they are not involved in.

Is there a “right” way to conduct compliance checks?

Yes. There are several publications, including DAODAS’ “Steps for Conducting Effective Compliance Checks: TOBACCO or ALCOHOL,” that explain the necessary steps to running an effective alcohol compliance check effort. There are also several

important findings about how to improve the success of these efforts that have been discovered through experiences under G-CAP and Enforcing Underage Drinking Laws (EUDL).

Are there differences in the way you conduct compliance checks for alcohol and tobacco?

Other than using younger buyers for tobacco due to the younger legal age of purchase compared to alcohol (18 vs. 21), there are no differences.

How do you evaluate the effectiveness of compliance checks?

Options include doing baseline (“pre-checks”) and “post-checks” with of-age buyers who look younger or doing some checks before the publicity component to serve as a baseline percentage. The final checks within a pre-determined time period would generate a “post-check” percentage.

Why is developing community support important?

If a community is not aware of the dangers of underage drinking and smoking and the connection between easy availability and use, they may be more sympathetic to merchants who might claim they are being “picked on.” An informed community will support your efforts to keep alcohol and tobacco out of the hands of youth and may even assist by recruiting youth volunteers or advising you on stores that have been particularly uncooperative in restricting underage sales.