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Agencies launch new anti-tobacco effort

BY JOHN HANNA

The Associated Press

TOPEKA - Worried that Kansas could lose federal anti-tobacco dollars for the second time in five years, two state agencies have launched a new effort to keep stores from selling cigarettes and other products to minors.

The effort will cost more than \$412,000 between now and July 1, 2008, and it includes hiring five agents to police retail tobacco sales. It also includes hiring a Denver company to do 5,000 random checks of convenience stores.

The Department of Revenue, which licenses and regulates tobacco retailers, signed an agreement with the Department of Social and Rehabilitation Services, launching the efforts. Revenue Secretary Joan Wagon and SRS Secretary Don Jordan had a news conference Wednesday to publicize their efforts.

Driving the initiative is a fear that Kansas will be forced to divert state funds to anti-tobacco programs for failing to comply with federal standards on preventing minors from buying tobacco products. That happened in 2004, and in 2006, the state was barely in compliance.

"They will not be nice the second time around if we do not fix this," Wagon said. "We were there by the skin of our teeth this past year - the skin of our teeth - and we do not want to come that close to having our funding lost again."

A federal law requires that in random checks, at least 80 percent of a state's merchants refuse to sell tobacco products to minors. The Department of Revenue checks 650 of the state's 3,100 retailers licensed to sell tobacco each year.

SRS now plans to give a \$100,000 grant to the BARS Program, in Denver, to conduct the additional checks. When a mi-

nor is sold tobacco in a BARS check, the store receives a red card within 24 hours. The card serves as a notice that had the buyer been an agent for the state, the retailer would have faced a fine.

Wagon noted that her department can revoke the licenses of stores that sell tobacco to minors and said she won't hesitate to use that power in the future against repeat violators. But she said she'd rather start with educating merchants.

"It's about creating a culture of compliance," Wagon said. "It's about limiting access to tobacco so that it's not easy for kids to get it. It's explaining to them what the health hazards are, and it's explaining to retailers what the penalties are if they don't do it."

When the state fell out of compliance with federal requirements in 2004, the state was forced to divert \$2.3 million to anti-tobacco programs. Wagon said failure to stay in compliance probably will be significantly more expensive in the future.

She noted that after the 2004 failure, she used her authority as secretary to increase the fine for a store that sells tobacco to a minor to \$1,000 from \$250.

"I can just do it by fiat," Wagon said. "The law allows us to fine up to \$1,000. We had had a very lenient schedule in place."

Jordan said about 300 young people in Kansas become regular smokers each month. He said the two agencies want to decrease that number so that they face lesser health care costs.

"I think everybody understands the challenges for health in Kansas and that the need is not just health care but healthy lifestyles," he said. "One of the primary things we need to do is restrict access of youth to tobacco products."