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**Rules of**  
**Department of Public Safety**  
**Division 70—Division of Liquor Control**  
**Chapter 3—Tobacco Regulations**

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**Title 11—DEPARTMENT OF  
PUBLIC SAFETY**

**Division 70—Division of Liquor Control  
Chapter 3—Tobacco Regulations**

**11 CSR 70-3.010 Retailer Employee Tobacco Training Criteria**

*PURPOSE: This rule establishes training criteria for retailers and employees selling tobacco products.*

(1) Minimum retailer employee tobacco training, as referenced in section 407.931.6, RSMo, shall not exceed a total of ninety (90) minutes in length and shall cover the following criteria:

(A) State laws set out in sections 407.926, RSMo, et seq.;

(B) Federal regulations pertaining to retail sales of tobacco products, set out in 21 CFR Part 897;

(C) What constitutes a valid identification as set out in section 407.929.2, RSMo;

(D) How to determine the validity of an identification and to detect fake, invalid and/or altered identifications; and

(E) The refusal and denial of the sale of tobacco products to a minor or to someone without proper identification.

(2) An owner of an establishment where tobacco products are available for sale may claim the exemption of section 407.931.6, RSMo if said owner had in place an in-house or other tobacco compliance employee training program meeting the criteria in section (1) above and the training was attended by all employees who sell tobacco products to the general public.

(3) Each employee attending the training shall sign and date a certification upon completion of the training stating that the employee has been trained and understands the state laws and federal regulations regarding the sale of tobacco products. This certification shall be presented to the supervisor of liquor control upon request.

*AUTHORITY: section 407.931.6(3), RSMo Supp. 2001.\* Original rule filed Sept. 27, 2001, effective March 30, 2002.*

*\*Original authority: 407.931, RSMo 1992, amended 2001.*

**11 CSR 70-3.020 Guidelines for Sting Operations**

*PURPOSE: This rule establishes guidelines for the use of minors in tobacco investigations by a state, county, municipal or other local law enforcement authority.*

(1) The following shall constitute guidelines for the use of minors in tobacco investigations by a state, county, municipal or other local law enforcement authority:

(A) The minor shall be seventeen (17) years of age;

(B) The minor shall have a youthful appearance, and the minor, if a male, shall not have facial hair or a receding hairline and, if a female, shall not wear excessive makeup or excessive jewelry;

(C) The state, county, municipal or other local law enforcement agency shall obtain the consent of the minor's parent or legal guardian before the use of such minor on a document in the following form:



**Parent/Legal Guardian Authorization and Consent**

State of Missouri )  
COUNTY of \_\_\_\_\_ )

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared \_\_\_\_\_, who by me is known and who after being by me first duly sworn did depose and state:

1. I am the mother/father/legal guardian of \_\_\_\_\_, a minor, and said minor was born on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.
2. I do hereby give consent for my said minor child to assist the \_\_\_\_\_ in the investigation of offenses involving the unlawful sale of tobacco products in this state. I understand that my child will be entering locations in which tobacco products are sold and that my child will attempt to purchase tobacco products, but only under the direction and supervision of agents of the \_\_\_\_\_.
3. I understand that my child may wear an audio recording or transmitting device which will record or transmit oral conversations while my child is attempting the purchase of tobacco products, and I consent to my child wearing such. I also consent to the video recording of my child's activities during these attempts.
4. I understand and agree that my child may be required to appear and testify in court and/or in an administrative proceeding concerning the purchase of tobacco products or other criminal or administrative violations and that said appearance and testimony may be required in Jefferson City or another location in this state.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

(D) 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;

(E) Any attempt by such minor to purchase tobacco products shall be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the tobacco product;

(F) 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 tobacco product, 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;

(G) 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;

(H) The minor shall not lie to the seller of the tobacco product to induce a sale of tobacco products;

(I) The minor shall not be employed by the state, county, municipal or other local law

enforcement agency on an incentive or quota basis;

(J) 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;

(K) 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:

1. The signed consent form of the minor's parent or legal guardian;
2. A Polaroid photograph of the minor taken immediately prior to the operation;
3. A photocopy of the minor's valid identification, showing the minor's correct date of birth;

4. An Information and Consent document completed by the minor in advance of the operation in the following form:

**Minor Information and Consent**

State of Missouri )  
 COUNTY of \_\_\_\_\_ )

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, who by me is known and who after being by me first duly sworn did depose and state:

1. I am \_\_\_\_\_, a minor, and was born on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 My address is \_\_\_\_\_.  
 My driver's license number is \_\_\_\_\_ in the State of \_\_\_\_\_.  
 My Social Security number is \_\_\_\_\_.  
 My parents'/legal guardians' names are \_\_\_\_\_.  
 My home telephone number is \_\_\_\_\_.

2. I do hereby agree to assist the \_\_\_\_\_ in the investigation of offenses involving the unlawful sale of tobacco products in this state. I understand that I will be entering locations in which tobacco products are sold and that I will attempt to purchase tobacco products, but only under the direction and supervision of agents of the \_\_\_\_\_.

3. I understand that I may wear an audio recording or transmitting device which will record or transmit oral conversations while I am attempting the purchase of tobacco products, and I consent to wearing such. I also consent to the video recording of my activities during these attempts.

4. I understand and agree that I may be required to appear and testify in court and/or in an administrative proceeding concerning the purchase of tobacco products or other criminal or administrative violations and that said appearance and testimony may be required in Jefferson City or another location in this state.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Print Name

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Notary Public

5. The name of each establishment visited by the minor, and the date and time of each visit;

6. The audiotape or videotape specified in subsection (1)(E) above; and

7. A written Minor Report in the following form:



**Minor Report**

Date of Purchase: \_\_\_\_\_ Time of Purchase: \_\_\_\_\_ a.m./p.m

Name of Establishment: \_\_\_\_\_

Address: (street and city) \_\_\_\_\_ (County) \_\_\_\_\_

Approximate Age of Seller: \_\_\_\_\_ Sex of Seller: \_\_\_\_\_

Hair Color of Seller: \_\_\_\_\_ Clothing of Seller: \_\_\_\_\_

Sellers' Actions (did or did not ask for I.D.): \_\_\_\_\_

Description of Product and Brand Purchased: \_\_\_\_\_

Quantity: \_\_\_\_\_ Price: \_\_\_\_\_

Conversation with Seller: \_\_\_\_\_

Other Details: \_\_\_\_\_

\_\_\_\_\_  
Minor's Signature

(L) The state, county, municipal or other local law enforcement agency must provide pre-recorded 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

(M) 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 i) instruction to enter the designated establishment and to proceed immediately to attempt to purchase tobacco products; ii) instruction to provide the minor's valid identification upon a request for identification by the seller; iii) instruction to answer truthfully all questions about age; iv) instruction not to lie to the seller to induce a sale of tobacco products; v) instruction on the use of pre-recorded currency; and vi) instruction on the other matters set out in this regulation.

*AUTHORITY: section 407.934.5, RSMo Supp. 2001.\* Original rule filed Sept. 27, 2001, effective March 30, 2002.*

*\*Original authority: 407.934, RSMo 2001.*