

# **CAPITOL OFFENSE:**

## **Kids Buy Cigarettes From Congress**

**A Report by the American Lung Association**

**July 23, 1998**

# Capitol Offense

## *Kids Buy Cigarettes from Congress*

### EXECUTIVE SUMMARY

On July 16 and 21, 1998, the American Lung Association conducted an undercover "sting" operation to determine whether minors have access to tobacco products in the U.S. Capitol complex. Two volunteer 15 year old girls attempted to purchase cigarettes from snack bars and carryouts in the House, Senate and U.S. Capitol building itself. Five out of nine attempts to buy cigarettes by minors on the Capitol grounds were successful. The highest rate of illegal sales occurred in the House office buildings, where every tobacco outlet sold to minors. In the Senate office buildings, one out of four attempts were successful. In the Capitol building, the teens were able to purchase cigarettes half the time.

Each year thousands of teenagers work, visit or participate in educational activities on the Capitol Grounds. Their parents and the American people expect their experience to be a safe and healthy one. No one expects it to be a convenient haven for children to buy cigarettes. Congress has a special obligation to parents to comply with the law. Federal law prohibits the sale of cigarettes to children under the age of 18 and requires all purchasers of tobacco products under the age of 27 to show I.D. The rhetoric in Congress condemns teenage smoking yet the reality in the halls of Congress shows that keeping cigarettes away from kids is not taken seriously.

### METHODOLOGY

In order to determine the extent of compliance with federal tobacco laws in the Capitol Complex an undercover sting operation was planned by the American Lung Association. Two fifteen-year-old female volunteers were identified and trained by staff of the American Lung Association. Written permission was obtained from the parents of the girls. The teenagers were supervised by adults throughout the sting operations.

Cigarette purchases were attempted in various tobacco outlets throughout the Capitol Complex on July 16 and 21, 1998. The specific locations within the Capitol complex included the Rayburn Cafeteria, "Pizza Plus," the Cannon Carryout, the Capitol Carryout, the Senate Refectory and two Senate sundry shops. All of the attempted purchases took place as face-to-face encounters with clerks. A vending machine that contains both cigarettes and candy is located in the Rayburn building. An attempt to buy was not made at the vending machine because it was sold out for the day.

The initial sting operation was held on Thursday, July 16, 1998 with the two teenage volunteers. They successfully purchased packs of Newport, Virginia Slims and Kool cigarettes at three different locations in the House Office Buildings. They were unable to buy in two places in the Senate Office Buildings and were unable to buy at one place in the Capitol. A follow-up sting operation was held on Tuesday July 21 in the Capitol and the Senate. During the follow-up sting one

teenage volunteer was successful in purchasing a pack of Camel Lights at one of two places in the Senate and was successful in purchasing a pack of Marlboro Lights at one place in the Capitol.

### FINDINGS

Teens can easily buy cigarettes throughout the Capitol complex. The overall rate of illegal sales was fifty-five percent.



#### House Office Buildings: 100% illegal sales to minors

The highest rate -- 100% -- of illegal sales occurred on the House side. All tobacco outlets that were tested illegally sold cigarettes to minors. In no instance were IDs checked or were the minors asked their age. In one case, cigarettes were literally at the teen's fingertips --as the Rayburn Cafeteria has "self-service" for tobacco products in the cafeteria's check-out line. In another instance the teen was able to buy cigarettes without showing ID despite a sign at the countertop stating "No cigarettes will be sold to individuals under the age of 18."

#### U.S. Capitol: 50% illegal sales to minors

In the Capitol building, one fifteen-year-old was able to buy cigarettes 50 percent of the time.

#### Senate Office Building: 25% illegal sales to minors

In the Senate, the tobacco outlets illegally sold cigarettes to minors 25 percent of the time.

### LAWS AND REGULATIONS GOVERNING SALES TO MINORS

**Federal Regulation:** As of February 28, 1997, federal law prohibits retailers from selling cigarettes or smokeless tobacco to anyone under the age of 18. Retailers must request to see the customer's photo identification bearing the customer's date of birth before selling cigarettes or smokeless tobacco to anyone who is under 27 years of age.

**District of Columbia law:** It is illegal in the District of Columbia for anyone to sell, give or furnish tobacco products to minors. Retailers who sell tobacco products must require the customer to show identification that indicates their age, if there is reasonable cause to believe the purchaser is under 18. Violation is a misdemeanor.

## **PROFILE OF CAPITOL COMPLEX**

Seven to 10 million individuals visit the Capitol complex annually.<sup>1</sup> A large number of these visitors are children, although no firm estimates are available. Many are teens visiting the Capitol as part of organized educational trips to Washington. One well-known example is the Close-Up Foundation which each year brings between 22,000 and 25,000 students, predominately high school juniors, to Washington for a government studies program. As part of this program, students spend a full day on Capitol Hill.

In addition to the millions of visitors, thousand of students from across the country come to Washington for experience of working in congressional offices. The estimated number of interns on Capitol Hill ranges from 5,000 to 8,000.<sup>2</sup> Hundreds of high school students also participate in the Congressional Page Program. Under this program, high school juniors, primarily 16 and 17 year-olds, are under the direct supervision of the Congress, attending school in the morning and working in the congressional cloakrooms and on the House and Senate floors in the afternoon and evening. The House of Representatives employs nearly 300 pages a year, while the Senate employs approximately 120 pages.

## **IMPLICATIONS**

Thousands of children each year either visit or work on the Capitol grounds. It is therefore critical that the Congress has a sound, vigorously enforced policy on youth access. In addition to the very real need to restrict access to tobacco products to minors, Congress should be the model for the nation at large. A strictly enforced youth access policy within the Capitol complex should fortify and reinforce the message to our nation's children not to smoke. Unfortunately, this sting shows that Congress does not take seriously its responsibility to keep cigarettes away from children.

Each year 256 million packs of cigarettes are purchased by minors, resulting in almost \$500 million in sales.<sup>3</sup> Sixty-two percent of 12 to 17-year-old smokers say they buy their own cigarettes. Of those who have ever tried to purchase cigarettes, almost half are never asked to show proof of age.<sup>4</sup> Eighty-eight percent of smokers tried their first cigarette by age 18.<sup>5</sup> Therefore, reducing youth access to tobacco products is a vital strategy to help reduce youth smoking.

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<sup>1</sup> "Capitol Hill Security: Capabilities and Planning" CRS Report for Congress, July 16, 1998.

<sup>2</sup> Exact numbers are not available. The Congressional Management Foundation estimates that the average number of interns per House office per year is 9.2. and per Senate office is 6.8. Press reports cite estimates as high as 8,000.

<sup>3</sup> Centers for Disease Control and Prevention, "Accessibility of Tobacco Products to Youths Aged 12-17 Years – United States, 1989 and 1993," Morbidity and Mortality Weekly Report Volume 45, No. 6:125-130.

<sup>4</sup> Cummings, et al., "The Illegal Sale of Cigarettes to US Minors: Estimates by State." American Journal of Public Health. 1994; 84:300-302.

<sup>5</sup> "Preventing Tobacco Use Among Young People." Surgeon General's Report 1994, p.67.