

## **11 CSR 70-3.020 Use of Minors in Enforcement**

**PURPOSE:** *This rule establishes guidelines for the use of minors by a state, county, municipal, or other local law enforcement authority pursuant to section 407.934, RSMo.*

(1) The Supervisor of the Division of Alcohol and Tobacco Control (the “supervisor” and the “division”) adopts the standards set forth in subsection 5 of section 407.934, RSMo (the “statute”), as mandatory guidelines for the use of minors in investigations of violations of Chapter 407 by a state, county, municipal, or other local law enforcement agency (“agency” or “authority”), which shall be followed by such authority. Agencies are also to adhere to the following guidelines:

(A) The agency shall search the minor prior to an investigation to ensure that the minor is not in possession of—

1. Any identification showing an incorrect date of birth for the minor; or
2. Any tobacco, alternative nicotine, or vapor product;

(B) The agency shall, in advance of an investigation, train the minor who will be used in the operation. At a minimum, this training shall include instruction on the standards set forth in the statute and this rule; and

(C) A color photograph that clearly identifies the minor when printed or displayed at a size of three inches (3") by three inches (3") or larger shall satisfy any requirement for a photograph contained in the statute.

(2) Blank copies of the current editions of forms approved by the supervisor pursuant to the statute and this rule shall be made available on the division’s website.

(3) All references to statutes in this section include any successor statute.

**AUTHORITY:** *section 407.934.5, RSMo 2016.\* Original rule filed on Sept. 27, 2001, effective March 30, 2002.*

*Rescinded: Filed July 9, 2018, effective Jan. 30, 2019. Proposed rule filed Aug. 14, 2020, effective March 30, 2021.*

*\*Original authority: 407.934, RSMo 2001, amended 2014.*