

# STATE AND LOCAL ENFORCEMENT OF TOBACCO POSSESSION, USE, AND PURCHASE LAWS AMONG U.S. STATES AND LOCAL COMMUNITIES

**Cindy Tworek<sup>1</sup>, Gary A. Giovino<sup>1</sup>, Michael Cummings<sup>1</sup>, Andrew Hyland<sup>1</sup>, Dianne Barker<sup>2</sup>, Barbara Sasso<sup>2</sup>, Sandy Slater<sup>3</sup>**

<sup>1</sup> Department of Health Behavior, Division of Cancer Prevention and Population Sciences, Roswell Park Cancer Institute; Buffalo, NY.

<sup>2</sup> Barker Bi-Coastal Health Consultants; Calabasas, CA.

<sup>3</sup> Health Research and Policy Centers, University of Illinois at Chicago; Chicago, IL.

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[Cindy.tworek@roswellpark.org](mailto:Cindy.tworek@roswellpark.org)

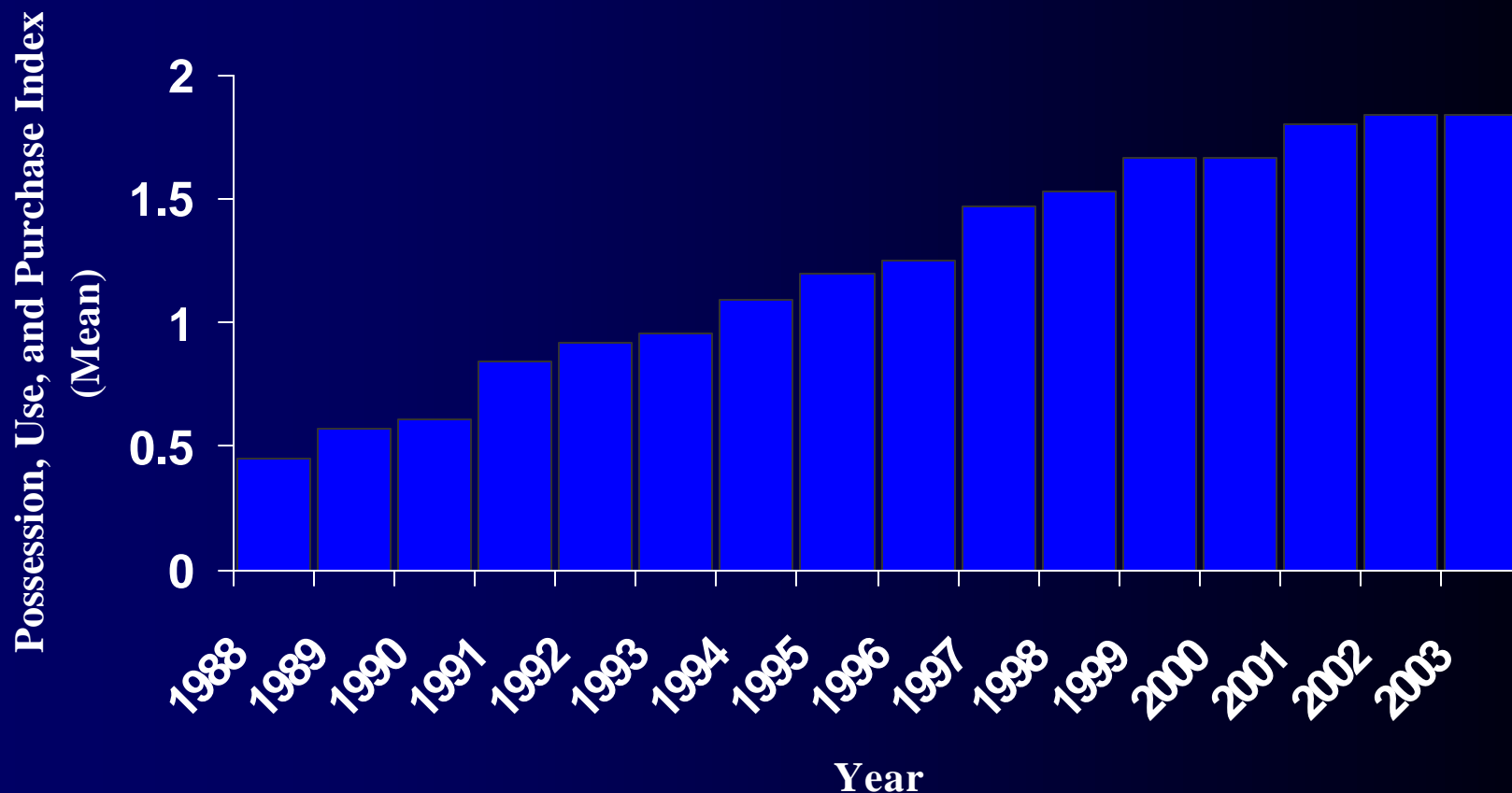


## Background:

- ▶▶ Tobacco control youth access policies may promote reductions in tobacco use
- ▶▶ Possession, use, and purchase (PUP) laws penalize minors, themselves, for possessing, using, and/or purchasing tobacco products
- ▶▶ Recent trends indicate a sharp increase in the number of state PUP laws:
  - ✓ **1988: 17 states had enacted at least one PUP law**
  - ✓ **2003: 45 states had enacted at least one PUP law**

There is little empirical data on the effectiveness of such laws

# Mean Number of Possession, Use, and Purchase Laws per State\* -- United States, 1988-2003\*\*



\*Includes the District of Columbia; Theoretical Range = 0-3; Includes 1<sup>st</sup> quarter of 2003 only.

\*\*Sources: ALA's SLATI, CDC's STATE system, and Roswell Park Cancer Institute

## **PUP Laws have been controversial – Arguments in Favor:**

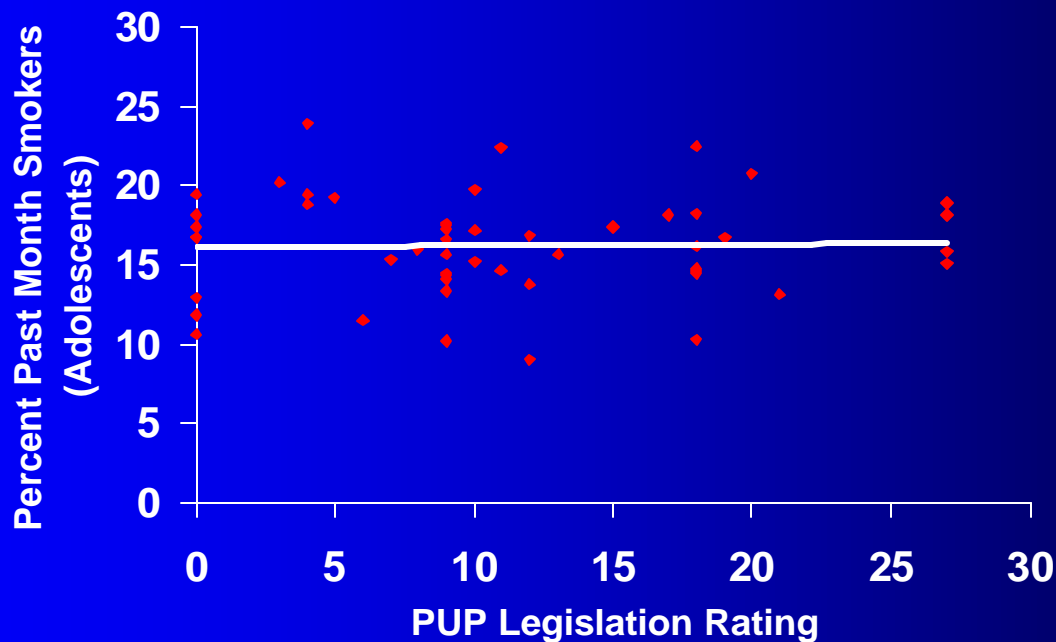
- ✓ **Promote youth accountability and personal responsibility (merchants should not be the only ones liable)**
- ✓ **Add a cost to youth for tobacco use**
- ✓ **Law enforcement uses PUP laws to inspect suspicious youth: potentially reducing crime and other illegal substance use**
- ✓ **Reinforce illegal use of tobacco by minors (adults 'mean what they say' – 'it's the law')**
- ✓ **Can help to 'de-normalize' tobacco use among youth**
- ✓ **Alcohol experience – minimum age increase (to 21 years old) has reduced drinking and saved lives**

## **PUP Laws have been controversial - Arguments Against:**

- ✓ Youth are enticed to smoke by marketing, then punished for wanting the promoted product
- ✓ Industry youth focus diverts attention from other tobacco control efforts, including merchant responsibility, and facilitates preemption
- ✓ Enforcement costs and difficulty: need local support and enforcement; may reduce resources/enforcement of sales to minors' laws
- ✓ May be used by law enforcement to 'profile' youth
- ✓ Kids rebel – laws may increase youth aspirations for 'adult only' tobacco products
- ✓ No proven substantial decrease in youth smoking behavior or youth access to tobacco
- ✓ Some alcohol laws (i. e. BAC) mainly reduced drinking and driving, rather than youth consumption
- ✓ Need more prevention and education for youth

Previous analyses have not suggested a relationship between the presence of state PUP laws and adolescent smoking behavior:

### Cigarette Smoking Among Youth by the Historical PUP Legislation Rating in 50 States and the District of Columbia, 1999\*



\*Source: Giovino et al. Cigarette Smoking Among Adolescents and Adults in US States and the District of Columbia in 1997 and 1999 – What Explains the Relationship? American Society of Preventive Oncology Meeting; poster presented: March 12, 2001.

Note: Past Month Smoking = smoked on  $\geq 1$  day during the previous 30 days; Historical PPU Legislation Rating = Sum of PPU laws for previous 1991-1999; (0 = no law; 1 = law present, from 0 to 3 laws)

Sources: 1999 NHSDA (12-17 year olds); ALA's SLATI, CDC's STATE system, and the Roswell Park Cancer Institute

- ▶▶ Additional analyses to assess the effect of PUP laws on adolescent smoking behavior, in terms of adolescent age and risk status, have suggested:
  - ✓ PUP laws were only somewhat associated with lower smoking rates among the youngest adolescents at low or medium risk (*i.e those who were least likely to smoke to begin with*).\*
  
- ▶▶ These preliminary analyses suggest that additional studies to assess the effects of PUP laws on adolescent smoking behavior should include:
  - ✓ **Measures of State PUP Enforcement**
  - ✓ **Measures of Local PUP Enforcement**

\* Source: Giovino et al. Study of Youth Smoking and State Laws Prohibiting the Purchase, Possession, and/or Use of Cigarettes by Minors – United States, 1991-1998. Society for Prevention Research Meeting; paper presented: June 2, 2001.

## Objectives:

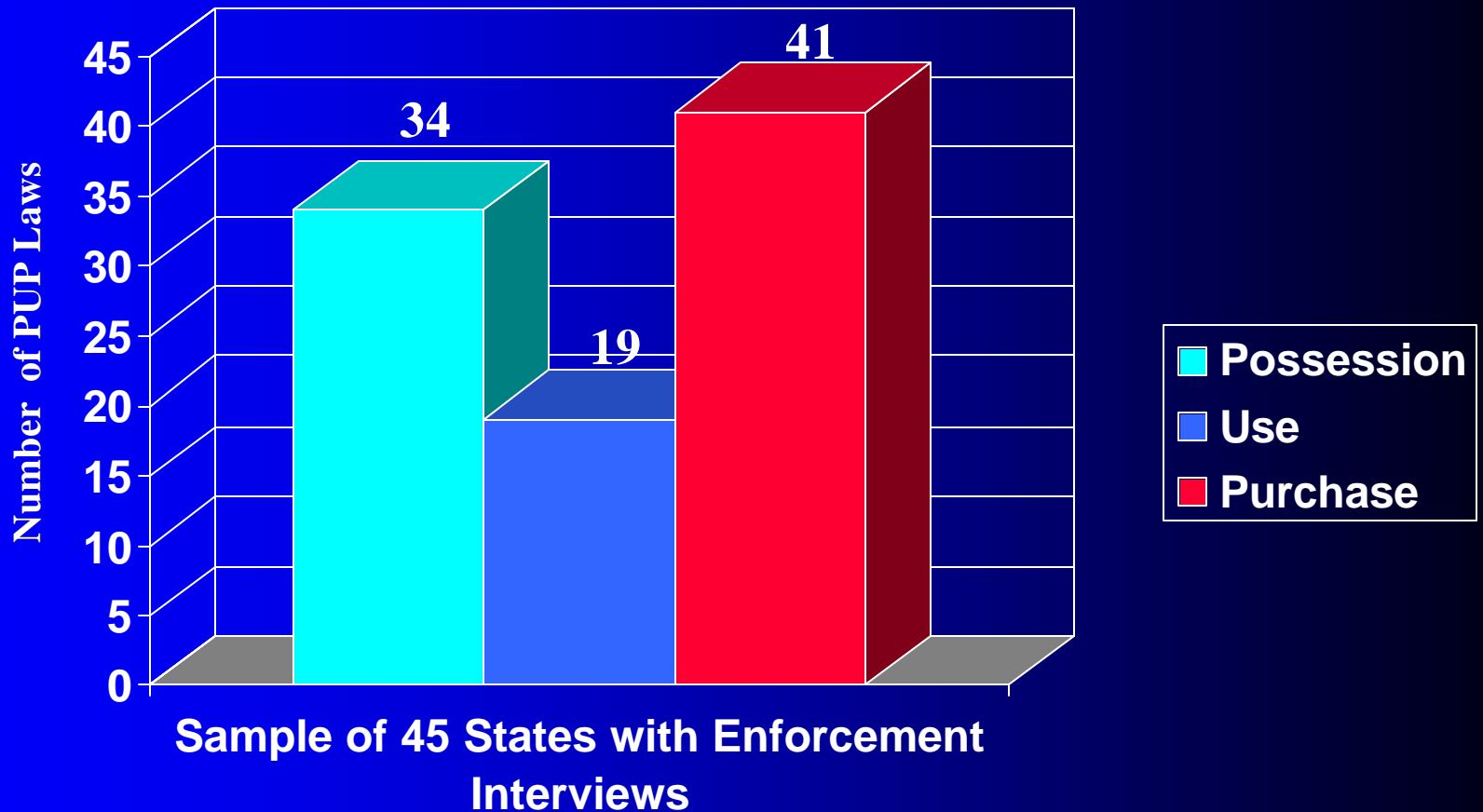
- ✓ To descriptively present State and local PUP enforcement data.
- ✓ To discuss state and local PUP enforcement activities, including formative and future research concerning PUP enforcement at both state and local levels.

## Methods:

- ✓ State PUP enforcement data were collected from 45 states with one or more PUP law(s). Telephone interviews were conducted from May-December 2002, with tobacco control officials in all 45 states.
- ✓ Data were collected on state enforcement activities and practices related to youth access PUP laws.
- ✓ Subsequent follow-up interviews were conducted, where appropriate, with additional state and local contact sources.

# STATE ENFORCEMENT

## Number of Possession, Use, and Purchase Laws: 2002

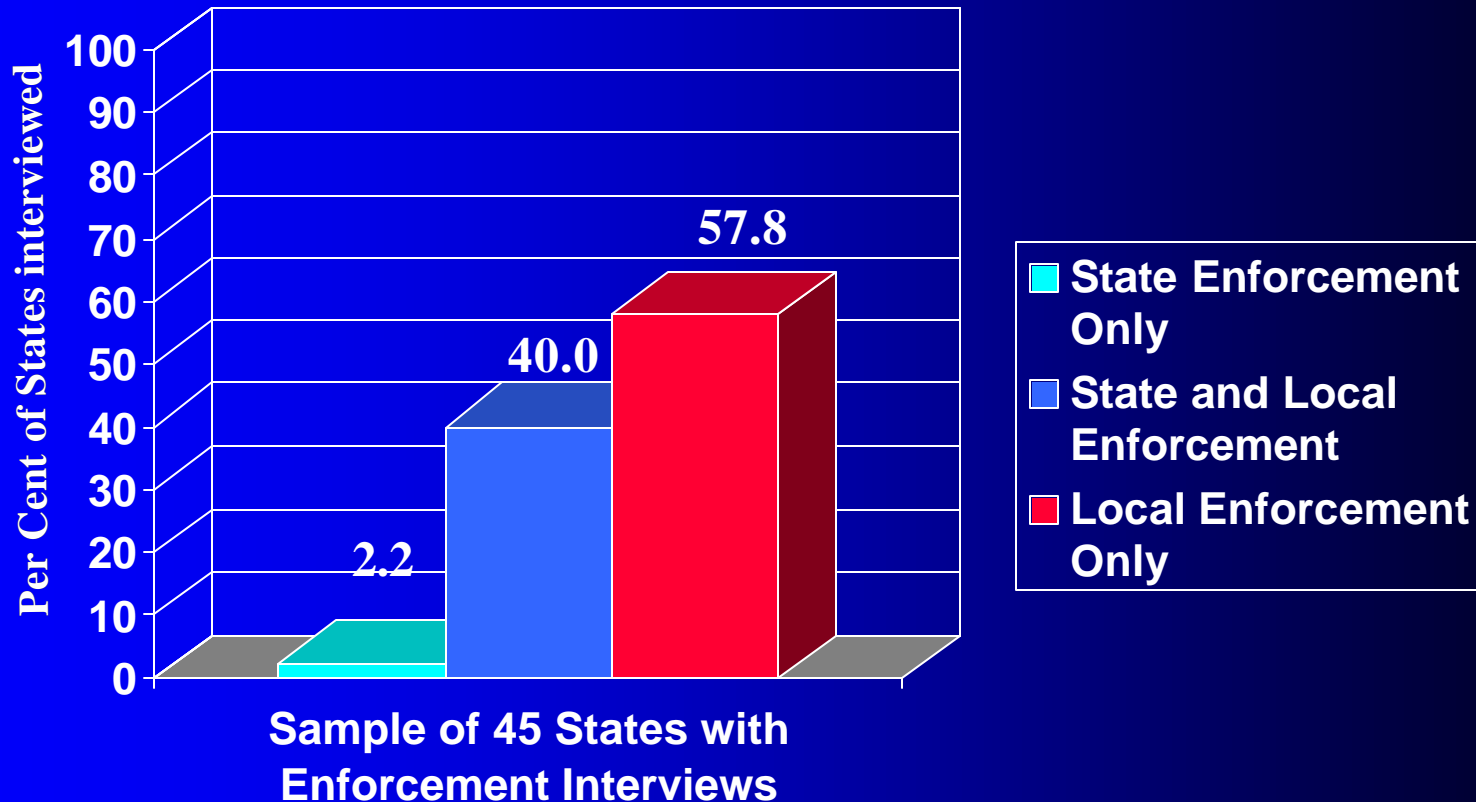


# STATE ENFORCEMENT

States with Possession, Use, and/or Purchase (PUP) laws indicate that they enforce these laws:

- ✓ However, a majority of PUP enforcement activity occurs at the local level only

**Possession, Use, and/or Purchase Enforcement: 2002**

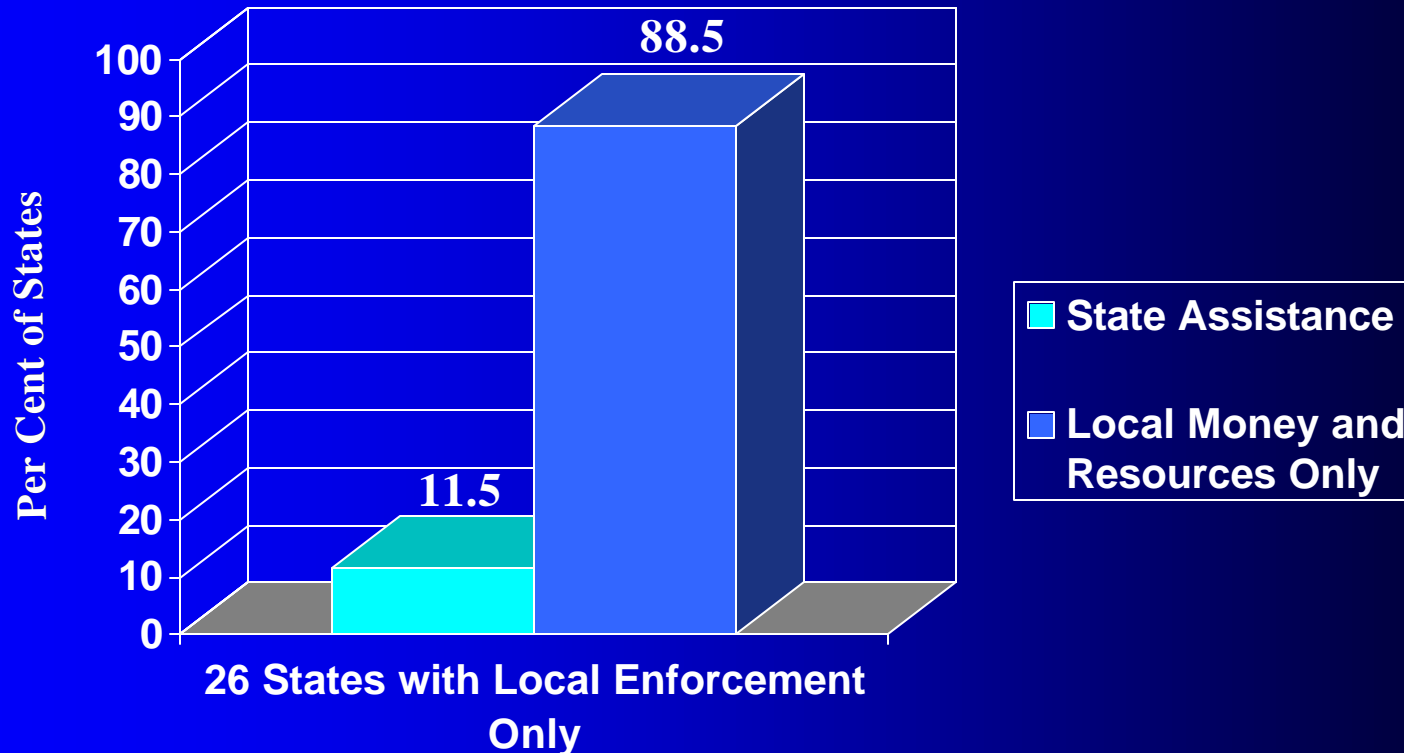


# STATE ENFORCEMENT

In States where PUP Laws are enforced only at the local level, a majority of enforcement efforts also occur by local monies and resources only:

- ✓ Three of these states provide assistance for local enforcement in terms of money and/or resources

## **Source of Money and/or Resources for Local PUP Enforcement: 2002**



**The pattern of state PUP enforcement suggests that possession/ use laws are more frequently and effectively enforced than purchase laws**

- ✓ The specific pattern of PUP enforcement varies greatly among local jurisdictions within states

**Typical actions taken when a minor is in PUP violation:**

- ✓ Issuing of citations; Notification of parent(s); Appearance in juvenile/family court

**Most states indicated that minors would typically be issued a citation when observed in violation of the PUP law(s)**

- ✓ The frequency and number of citations were typically not collected, documented, or tracked at the state level, and the practice of issuing citations varied among local areas

**Most states indicated that citations had been issued for PUP violations during the past year; however, they could not provide or estimate numbers of citations issued**

**States indicated that the following were typical first-time citation or conviction penalties imposed when a minor is caught in violation of PUP law(s):**

- ✓ Fines
- ✓ Community service
- ✓ Participation in Tobacco Cessation Program or Class
- Fines were the most common typical first-time penalty
- Only some states specified minimum and maximum fines, which could also be set at the local level
- Graduated penalties often included an increasing fine schedule or a combination of community service and/or a tobacco cessation program in addition to a fine

**States with more severe penalties typically indicated lower levels of actual PUP enforcement activities**

## **STATE ENFORCEMENT: Resources**

**States generally indicated that they did not receive a specific amount of money or resources allocated for PUP enforcement activities**

- ✓ **Youth Access funds were often earmarked for sales to minors' enforcement activities and tobacco prevention activities**

**States indicated that PUP enforcement did not divert money and/or resources away from other youth access enforcement activities, specifically sales to minors' enforcement**

- ✓ **PUP enforcement was typically conducted with existing money and/or resources at state and local levels**

## Local PUP enforcement data presented are preliminary data from key informant interviews for Project ImpactTeen Tobacco Possession Ordinance Feedback Modules:

- ✓ ImpactTeen is a Robert Wood Johnson Foundation funded multi-substance (tobacco, alcohol, illicit drugs) project coordinated at The University of Illinois at Chicago
- ✓ Its purpose is to evaluate the impact of policies, programs, and practices at the state, community, school, and individual levels on adolescent use of alcohol, tobacco, and illicit drugs

University of Illinois at Chicago

Health Research and Policy Centers

ImpactTeen

→ **Coordinating Center,  
Community Data, Alcohol  
Policy Research,  
Polysubstance Use Research**  
UIC

→ **Illicit Drug Policy Research  
Team**  
Andrews U and RAND

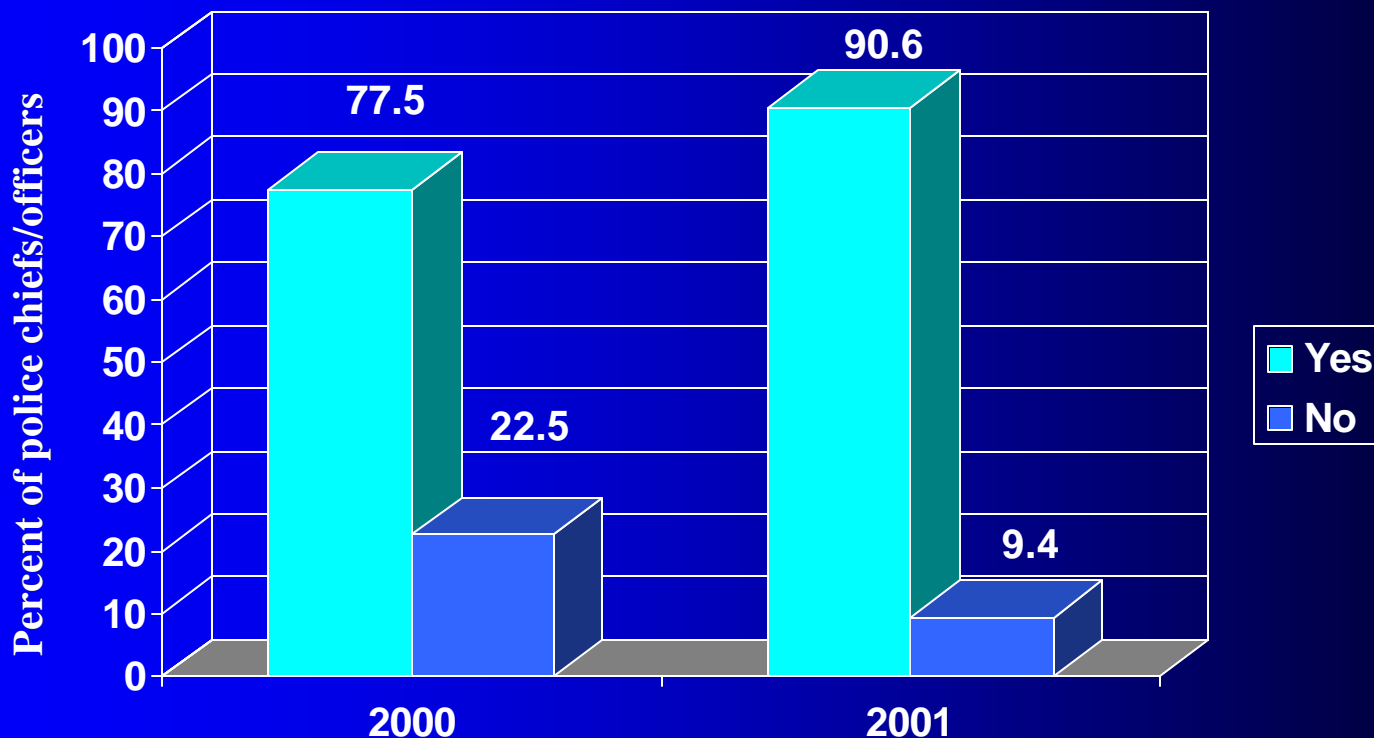
→ **Tobacco Policy Research  
Team**  
Roswell Park Cancer Inst

**Local key informant interview data include Tobacco Possession Ordinance Feedback Module responses from:**

**94 community sites in 2000; 106 community sites in 2001**  
(each site may have multiple communities)

- ✓ Respondents from these participating sites were police chiefs and police officers in local communities

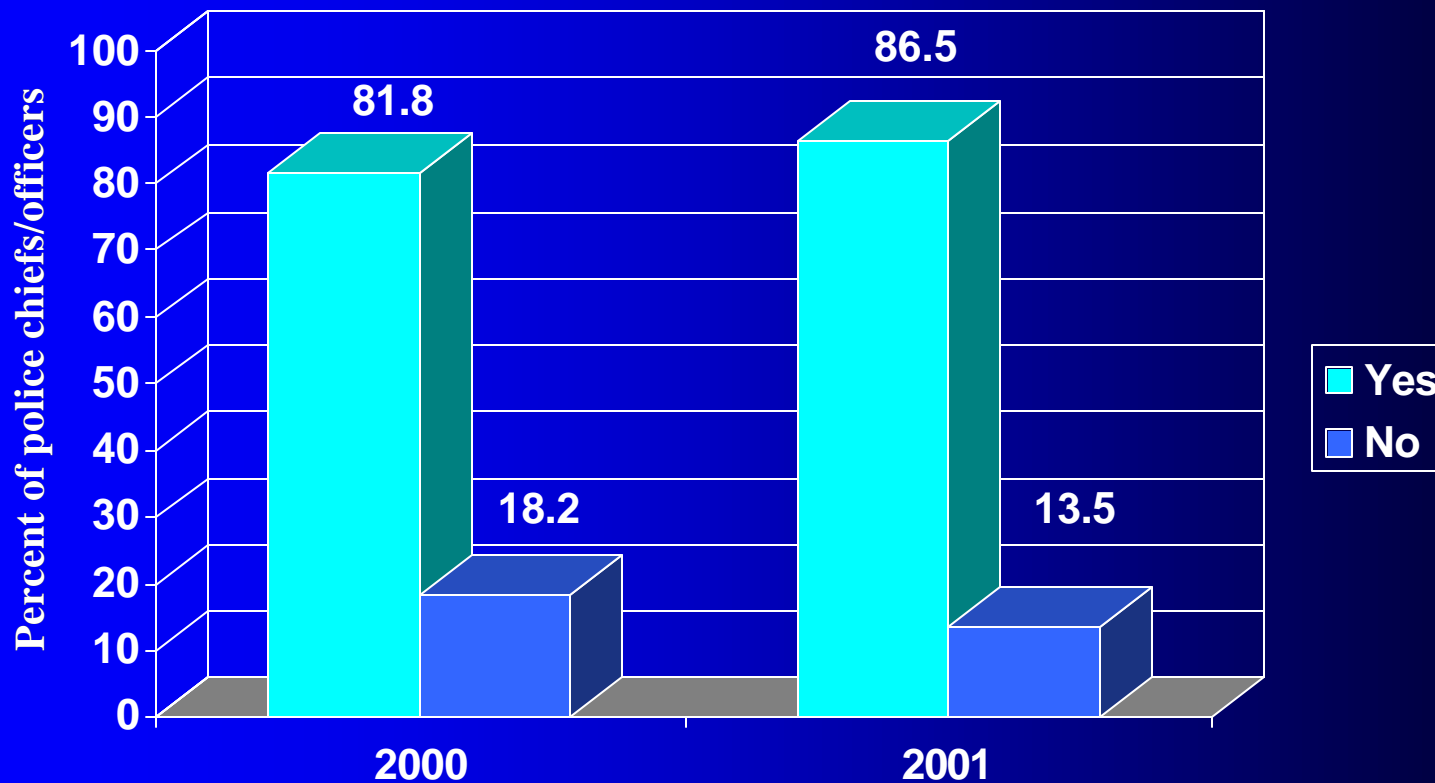
### **Tobacco Possession Ordinance Enforced in Your Community**



## Typical local actions taken when a minor is caught possessing tobacco: (years 2000, 2001)

- ✓ Citation issued; Notification of parent(s); Warning issued; Appearance in peer or teen court

### Parents Routinely Notified if Youth is Cited for Tobacco Possession:



## LOCAL ENFORCEMENT

Police chiefs and officers from local communities indicated that the following are typical first-time citation or conviction penalties imposed when a minor is caught possessing tobacco: (year 2001)

- ✓ Fines
- ✓ Community service
- ✓ Participation in Tobacco Cessation Program
- ✓ Counseling
- Fines were the most common typical first-time penalty indicated (66.7%)
- A combination of the four most-common first-time penalties (indicated above) were often issued at the discretion of the local court

# Discussion:

## **A majority of PUP enforcement activities and practices occur at the local level:**

- ▶▶ States indicated that a majority of PUP enforcement activity occurs at the local level only
- ▶▶ Approximately 90% of respondents indicated that local possession ordinances are enforced in their community (2001)
- ▶▶ A majority of states and local areas do not receive specific funding allocated to PUP enforcement activities

## **Possession/use laws are more easily and frequently enforced than purchase laws:**

- ▶▶ States and local areas indicated that PUP laws are enforced when youth are observed smoking, and that enforcement patterns vary largely by local area

# Discussion:

## Actions and penalties vary among local areas:

- ▶▶ A citation is typically issued and parents are notified
- ▶▶ A fine is typically given to the youth (often in combination with community service and/or a tobacco cessation program or class)
- ▶▶ States with more severe penalties, dictated by law, typically indicated less PUP enforcement activity

## Effectiveness of PUP laws and enforcement activities remains questionable:

- ▶▶ The effectiveness of enforcement could vary in response to local enforcement activities and practices

# Future Research:

**The study of state and local PUP Enforcement is ongoing:**

- ▶ **Future work will continue to assess state enforcement activities and practices in the states with one or more PUP laws**
- ▶ **State and local enforcement measures will be developed, along with indices to better assess PUP enforcement, at both state and local levels**

**Effects of state and local PUP law enforcement on adolescent smoking need further study:**

- ▶ **Future work will assess the separate and combined effects of state and local PUP enforcement on adolescent smoking behavior and adolescent attitudes toward smoking**