



A Policy Research Partnership  
to Reduce Youth Substance Use



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

Cindy Tworek<sup>1</sup>, Gary A. Giovino<sup>1</sup>, Pamela I. Clark<sup>2</sup>, Dianne C. Barker<sup>3</sup>,  
Barbara Sasso<sup>3</sup>, Elizabeth Molnar<sup>4</sup>, Erin Ruel<sup>4</sup>, Sandy Slater<sup>4</sup>

<sup>1</sup> Department of Cancer Prevention, Epidemiology, and Biostatistics; Roswell Park Cancer Institute; Buffalo, NY

<sup>2</sup> Battelle; Centers for Public Health Research and Evaluation; Baltimore, MD

<sup>3</sup> Public Health Institute; Los Angeles, CA

<sup>4</sup> Health Research and Policy Centers, University of Illinois at Chicago; Chicago, IL

**American Society of Preventive Oncology**

**26<sup>th</sup> Annual Meeting**

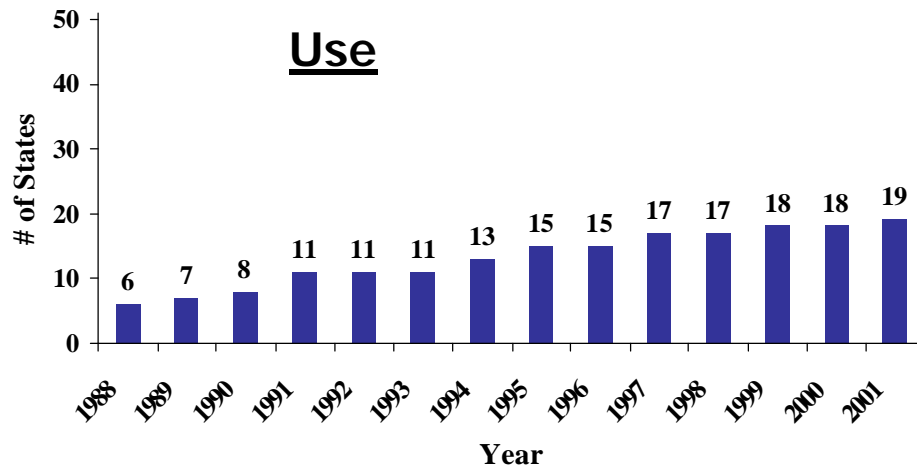
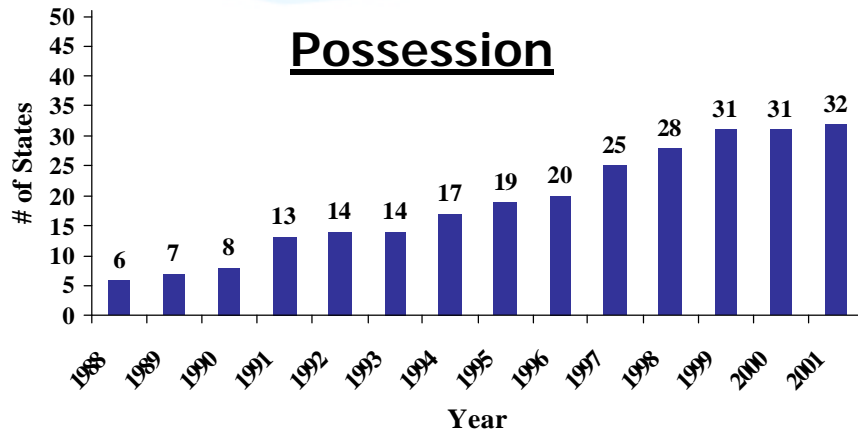
**Bethesda, MD**

**March 11, 2002**

# 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 enacted at least one PUP law
  - ✓ 2001: 44 states enacted at least one PUP law

# Possession, Use, and Purchase Laws per State\* -- United States, 1988-2001, includes the District of Columbia



\*Source: "State Legislated Actions On Tobacco Issues", 1988-2001, CDC's STATE system, Roswell Park Cancer Institute.

# PUP Laws have been controversial:

## Arguments in Favor of PUP Laws:

- ✓ Promote youth accountability and personal responsibility
- ✓ 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')
- ✓ Alcohol experience – raising the minimum legal drinking age to 21 years has resulted in reductions in alcohol use and saved lives



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# PUP Laws have been controversial:

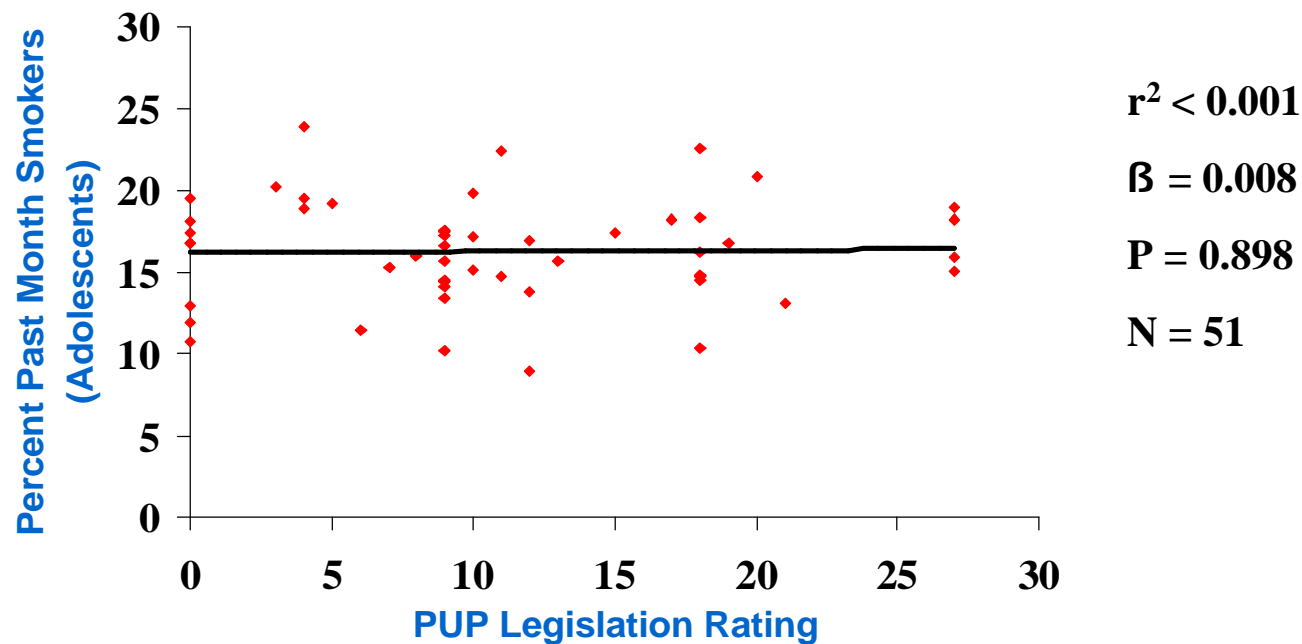
## Arguments Against PUP Laws:

- ✓ Youth are enticed to smoke by marketing, then punished for wanting the promoted product
- ✓ Industry youth focus diverts attention from other effective tobacco control efforts and facilitates preemption
- ✓ Enforcement costs and difficulty: need local support and enforcement; may reduce enforcement of sales to minors' laws
- ✓ May be used by law enforcement to 'profile' youth
- ✓ No proven substantial decrease in youth smoking behavior
- ✓ Alcohol BAC Laws reduced drinking and driving

only

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:

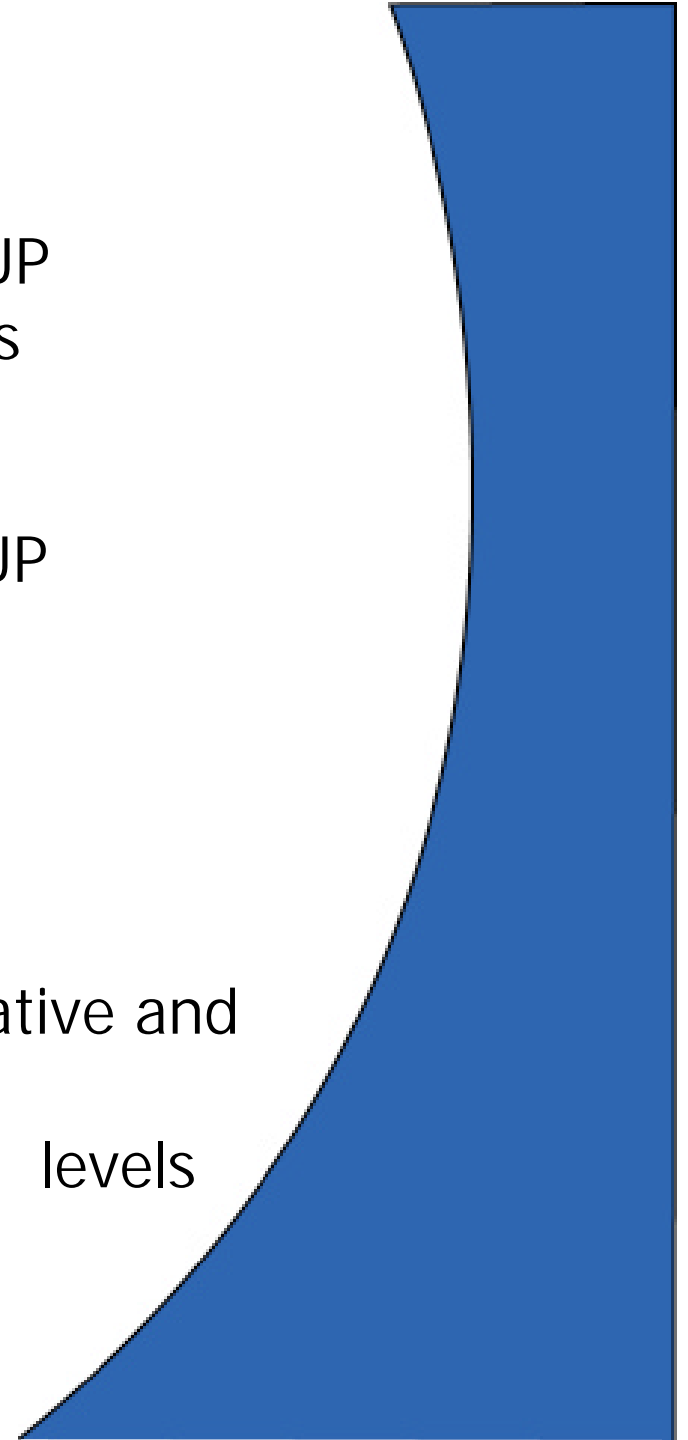
✓ PUP laws were generally associated with lower smoking rates among the youngest adolescents at low or medium risk (*i.e. those who were least likely to smoke to begin with*).\*

▶▶ 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

# Objectives:

- ▶▶ To descriptively present State PUP enforcement data for a sample of states with PUP laws
- ▶▶ To descriptively present Local PUP enforcement data for a sample of communities with tobacco Possession ordinances
- ▶▶ To discuss state and local PUP enforcement activities, including formative and future research concerning PUP enforcement at both state and local levels



**State PUP enforcement data presented are based on preliminary data from a sample of 15 states participating in the following grant-funded project:**

**Business Practices & Minors' Access To Tobacco**

State and Community Tobacco Control Initiative of the Tobacco Control Research Branch, Division of Cancer Control and Population Science National Cancer Institute  
Grant # RO1 CA 86232

*Pamela I. Clark, Principal Investigator*

The contents are solely the responsibility of the authors and do not necessarily represent the official view of the National Cancer Institute

- ✓ Telephone interviews were conducted in September-October 2001, to collect recent data on state enforcement activities and practices related to youth access possession, purchase, and use laws, as part of a minors' access tobacco project
- ✓ These state PUP data were collected by a trained interviewer, who contacted enforcement officials in each participating state



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## 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

**The pattern of PUP enforcement suggests that possession/use laws can be more effectively enforced than purchase laws.**

- ✓ Possession/use laws were generally enforced when:  
*“any person who looks underage and is seen smoking is intercepted, age is checked, and action is taken.”*
- ✓ Purchase laws were generally enforced only when:  
*“a law enforcement officer witnesses a purchase during the normal course of other duties.”*

## **STATE ENFORCEMENT**

**States indicate that typical actions taken when a minor is caught possessing, using, or purchasing tobacco are:**

- ✓ Notification of parents
- ✓ Issuing of citations
- ✓ Appearance in juvenile or family court

**States indicate that typical penalties imposed when a minor is caught possessing, using, or purchasing tobacco are:**

- ✓ Participation in optional or mandatory tobacco education programs
- ✓ Community service
- ✓ Fines
- ✓ Driver license suspension

## **Local PUP enforcement data presented are preliminary data from key informant interviews for the Tobacco Possession Ordinance Feedback Module: Project ImpactTeen 1999 and 2000 Community data**

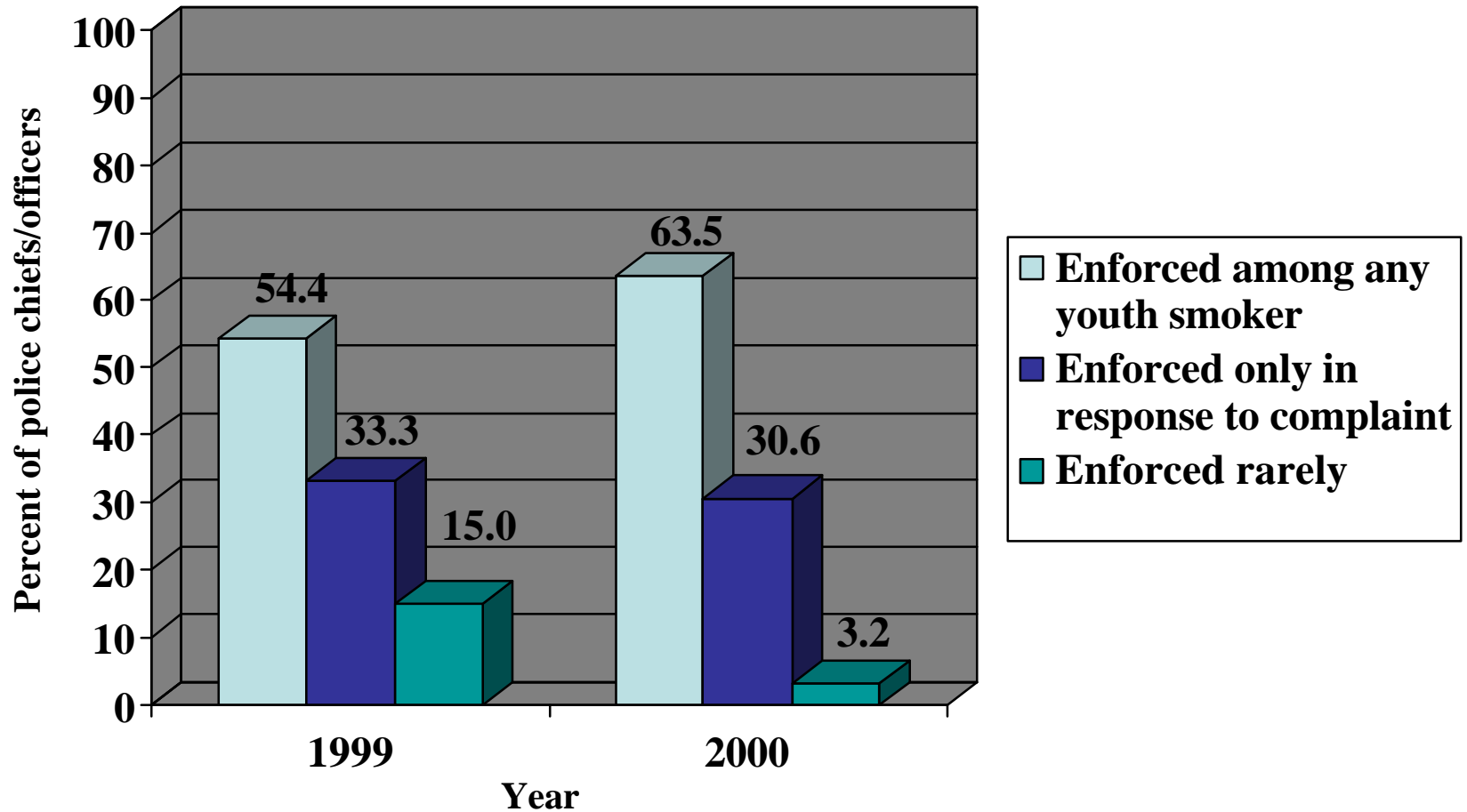
- ✓ ImpactTeen is a Robert Wood Johnson Foundation funded multi-substance (tobacco, alcohol, illicit drugs) project coordinated at The University of Illinois at Chicago
- ✓ Its purpose is to evaluate the impact of policies, programs, and practices at the state, community, school, and individual levels on adolescent use of alcohol, tobacco, and illicit drugs
- ✓ These key informant community interview data include Tobacco Possession Ordinance Feedback Module responses from 153 sites in 1999 and 94 sites in 2000
- ✓ Respondents from these participating sites were police chiefs and police officers in local communities



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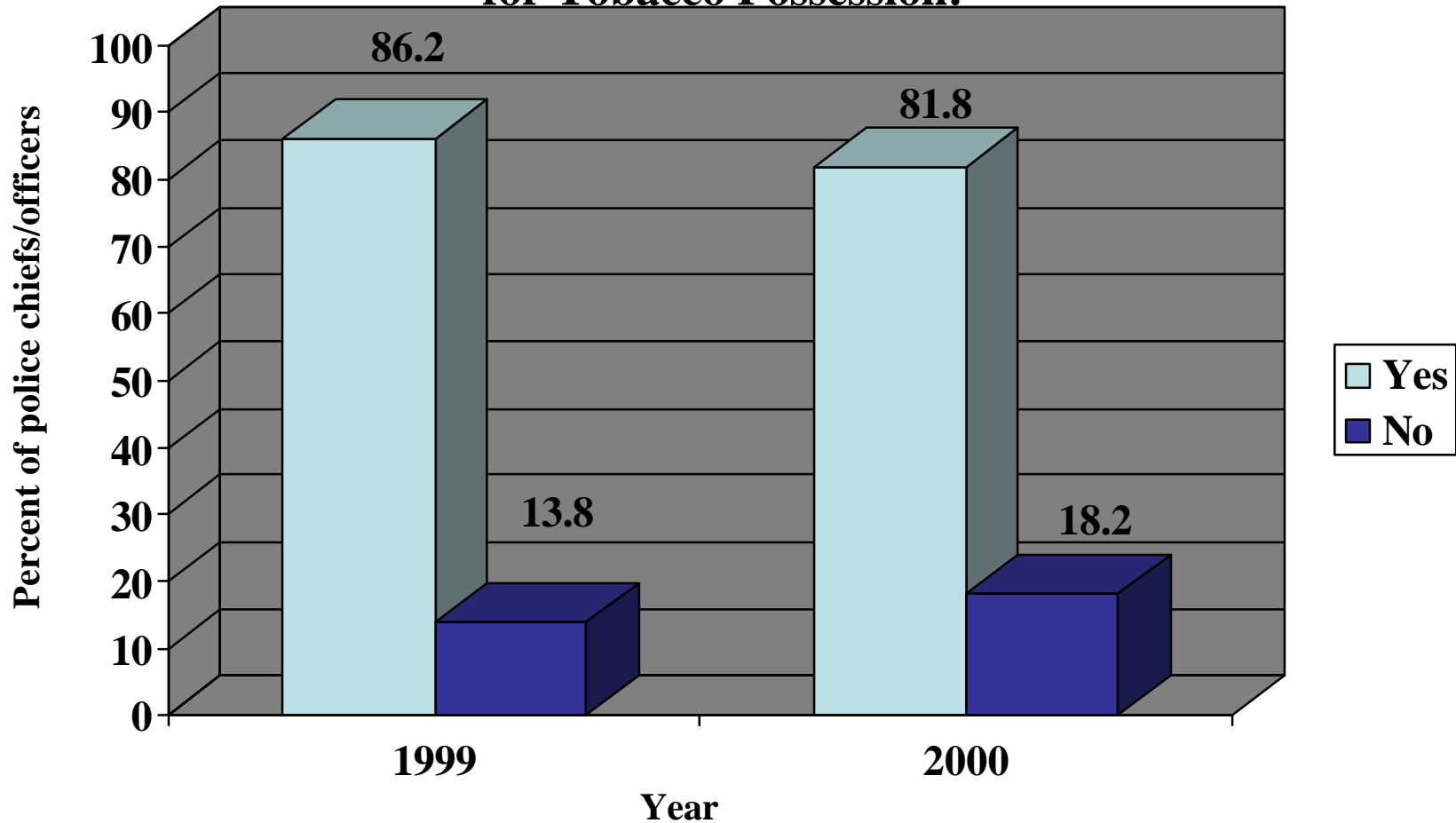
# LOCAL ENFORCEMENT

## Pattern of Possession Ordinance Enforcement:



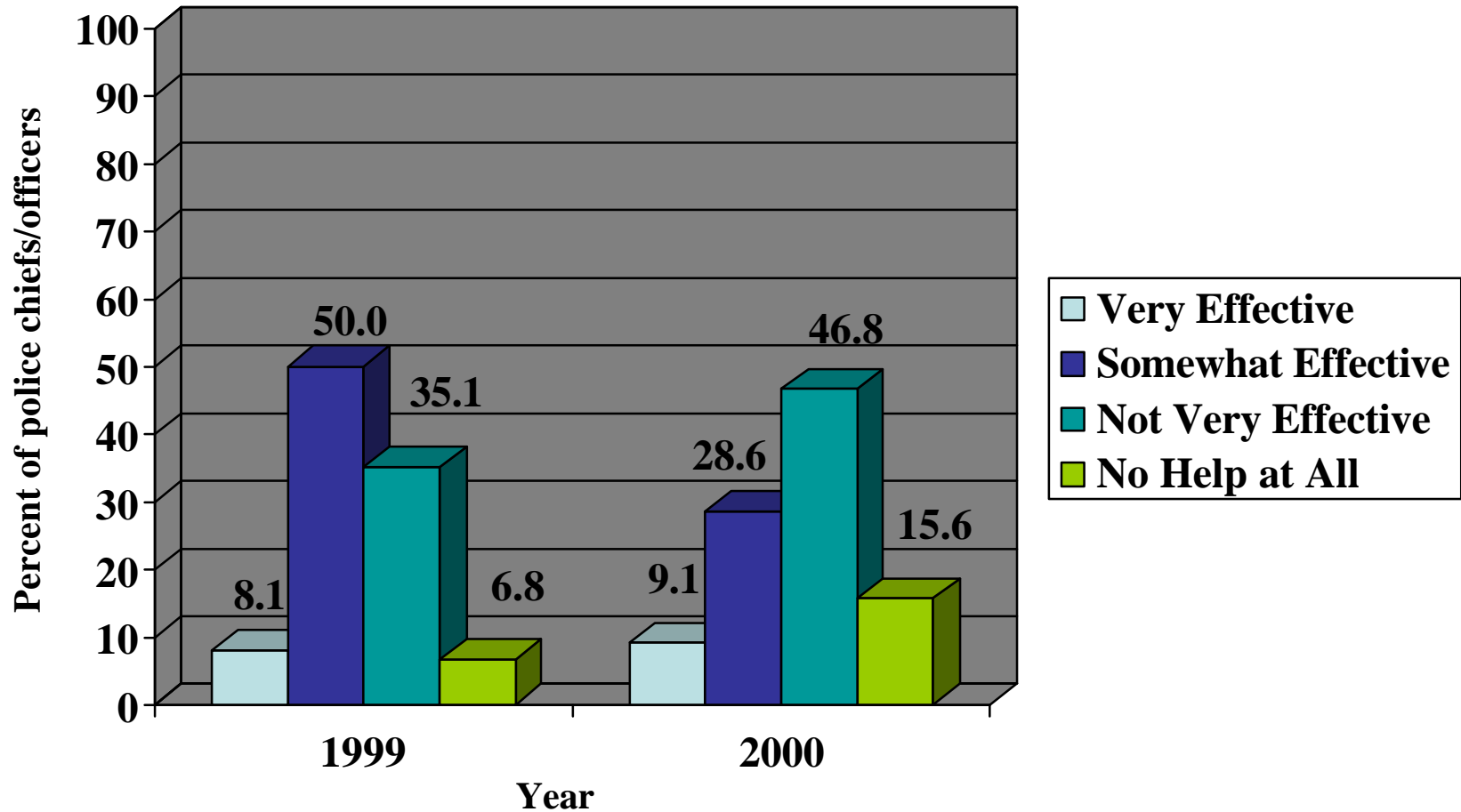
# LOCAL ENFORCEMENT

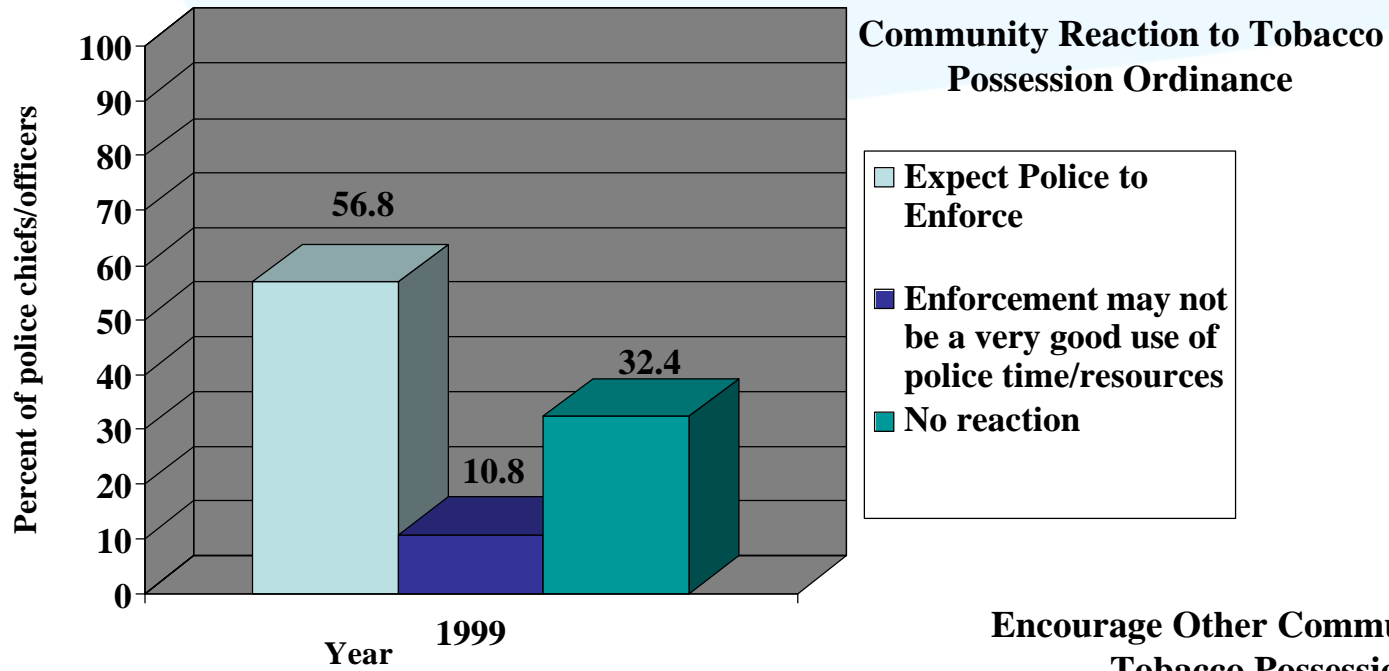
**Parents Routinely Notified if Youth is Cited  
for Tobacco Possession:**



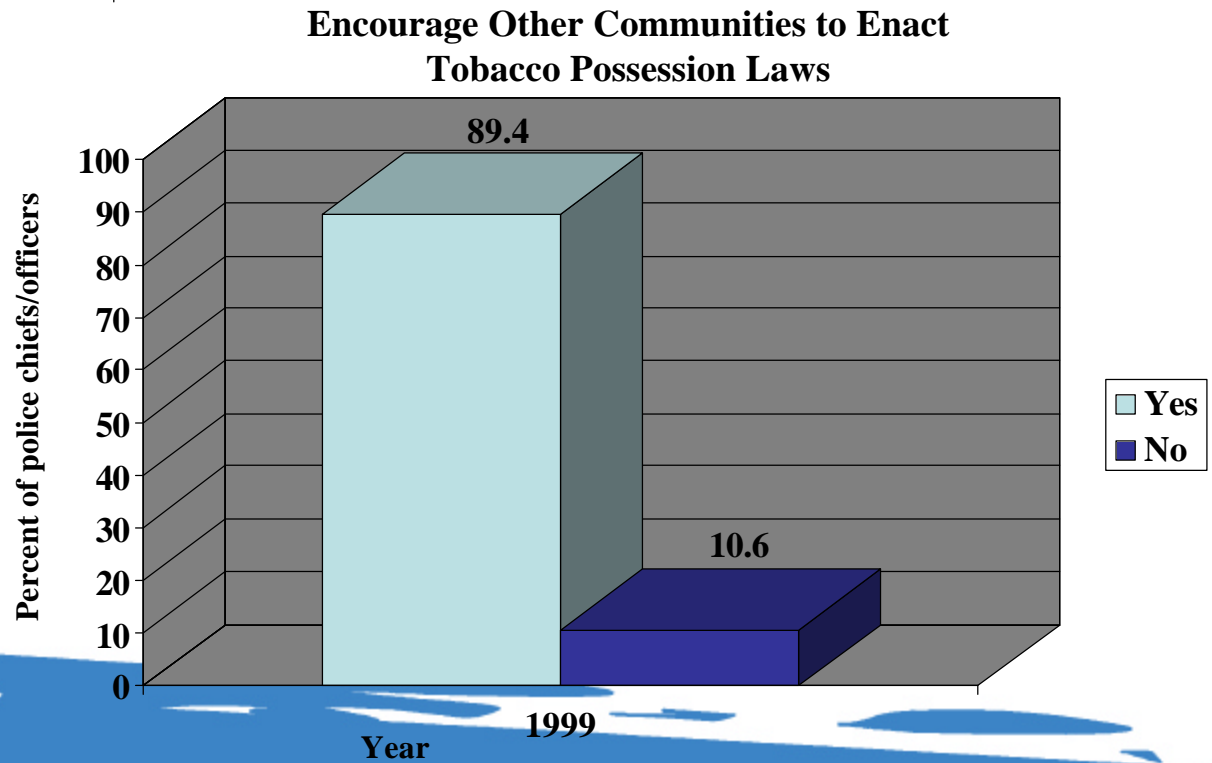
# LOCAL ENFORCEMENT

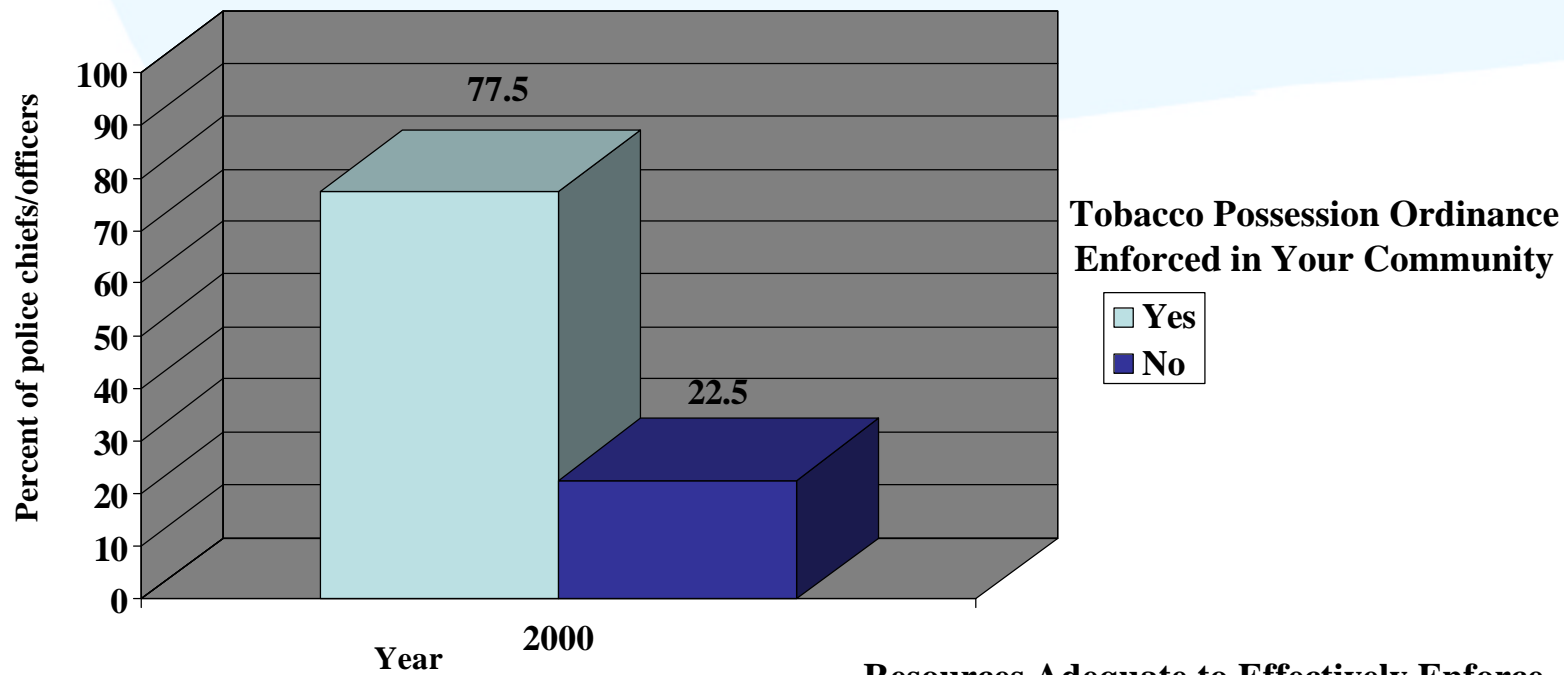
**Opinion of Effectiveness of Possession Ordinance  
in reducing tobacco use by minors:**



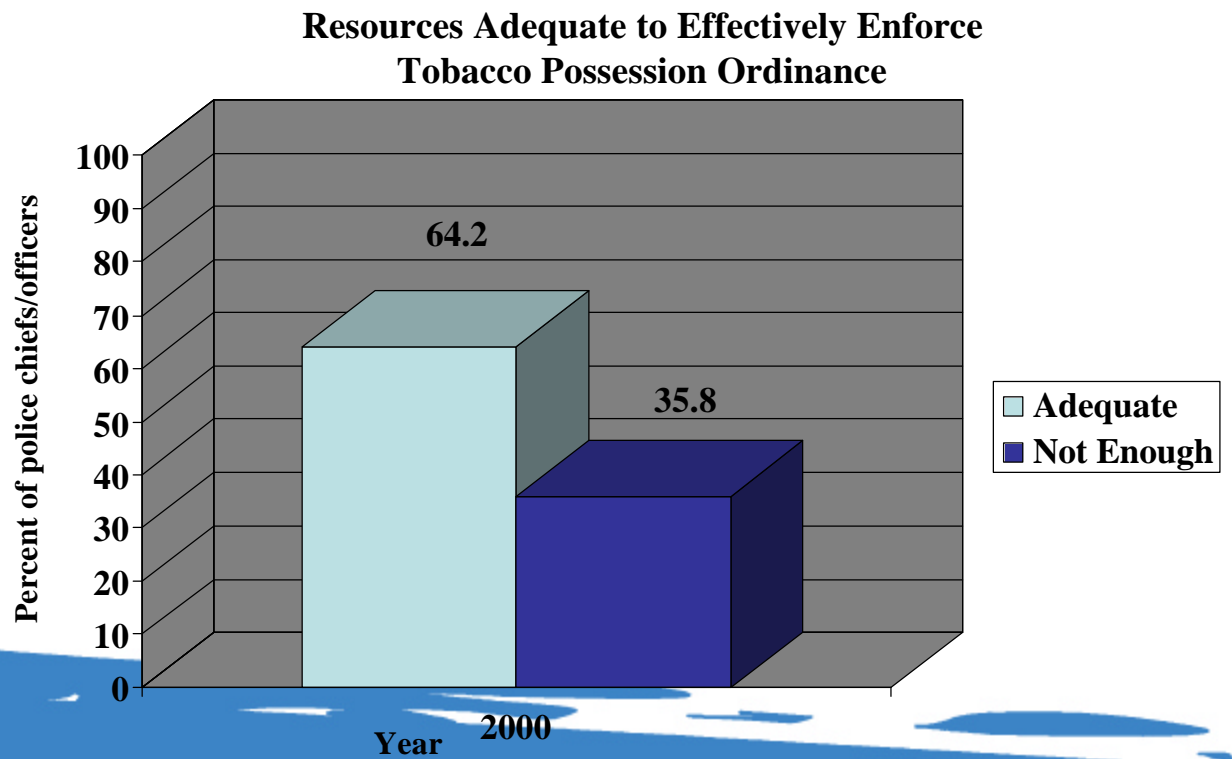


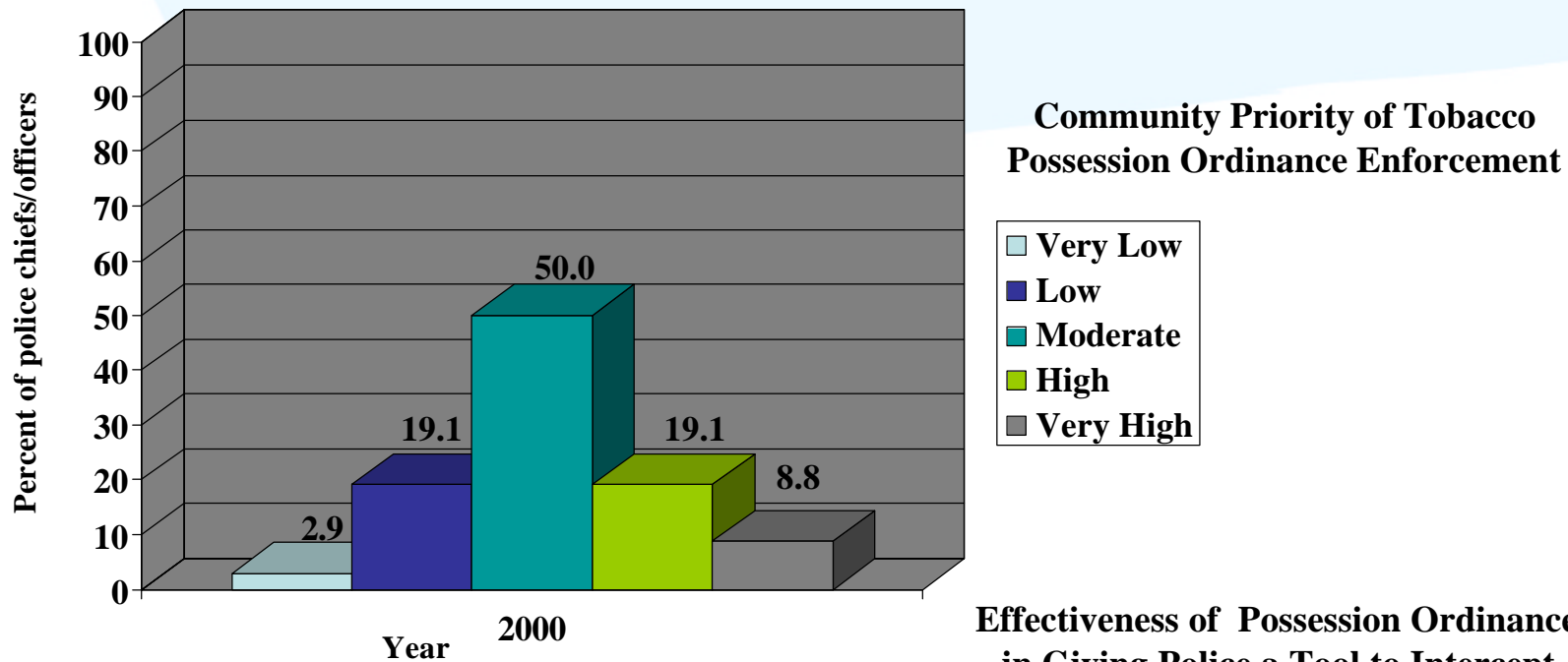
**LOCAL ENFORCEMENT:**  
**1999**





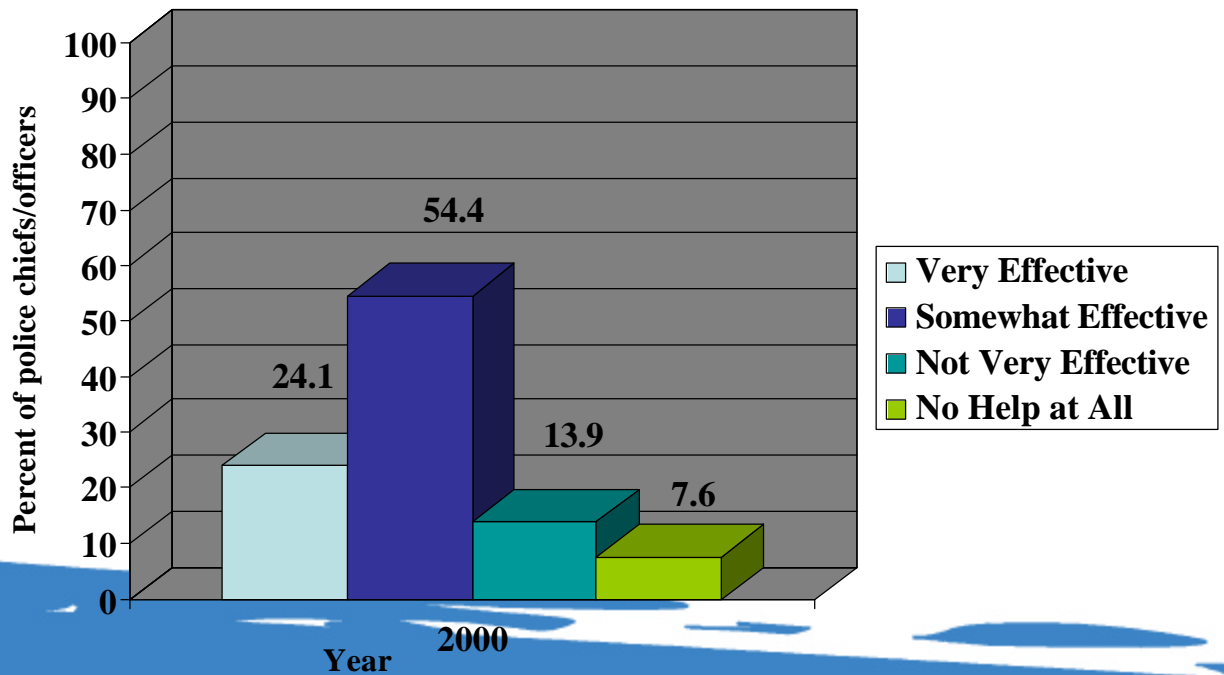
**LOCAL ENFORCEMENT:**  
**2000**





Effectiveness of Possession Ordinance in Giving Police a Tool to Intercept Youth for Other Issues or Concerns

**LOCAL ENFORCEMENT:**  
**2000**



## LOCAL ENFORCEMENT

**Police chiefs and officers from local communities indicate that the following are typical actions taken when a minor is caught possessing tobacco:**

- ✓ Citation issued
- ✓ Notification of parents
- ✓ Warning issued
- ✓ Appearance in peer or teen court

**Police chiefs and officers from local communities indicate that the following are typical penalties imposed when a minor is caught possessing tobacco:**

- ✓ Fines
- ✓ Community service
- ✓ Participation in Tobacco Cessation Program
- ✓ Counseling

# Discussion:

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

- ▶▶ Almost 80% of respondents indicated that local possession ordinances are enforced in their community
- ▶▶ The pattern of local enforcement indicated that tobacco possession laws are frequently enforced among young smokers who appear to be underage
- ▶▶ Parents are frequently notified if youth are cited for tobacco possession in local communities
- ▶▶ A majority of respondents indicated that their communities expect police to enforce the tobacco possession ordinance

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

**In 1999, half of respondents (50%) considered the local tobacco possession ordinance to be only 'somewhat effective' in reducing tobacco use by minors**

- ▶▶ However, close to 90% of respondents would encourage other communities to enact tobacco possession laws

**In 2000, a majority of respondents (62.4%) considered the local tobacco possession ordinance to be 'not very effective' or 'no help at all' in reducing tobacco use by minors**

- ▶▶ However, almost 80% of respondents considered the local tobacco possession ordinance to be 'very effective' or 'somewhat effective' in giving police a tool to intercept youth for other issues or concerns

**Almost 70% of respondents indicated that tobacco possession enforcement in their community was a 'moderate' or 'high' priority**

- ▶▶ However, more than 1/3<sup>rd</sup> of respondents reported that their local communities do not have enough resources to adequately enforce the tobacco possession ordinance

# Future Research:

## **Enforcement of state and local PUP laws needs further study:**

- ▶▶ Future work will assess state enforcement in all 44 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 levels

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

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

