



A Policy Research Partnership
to Reduce Youth Substance Use



Supported by
The Robert Wood Johnson Foundation

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

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Society for Prevention Research

10th Annual Meeting

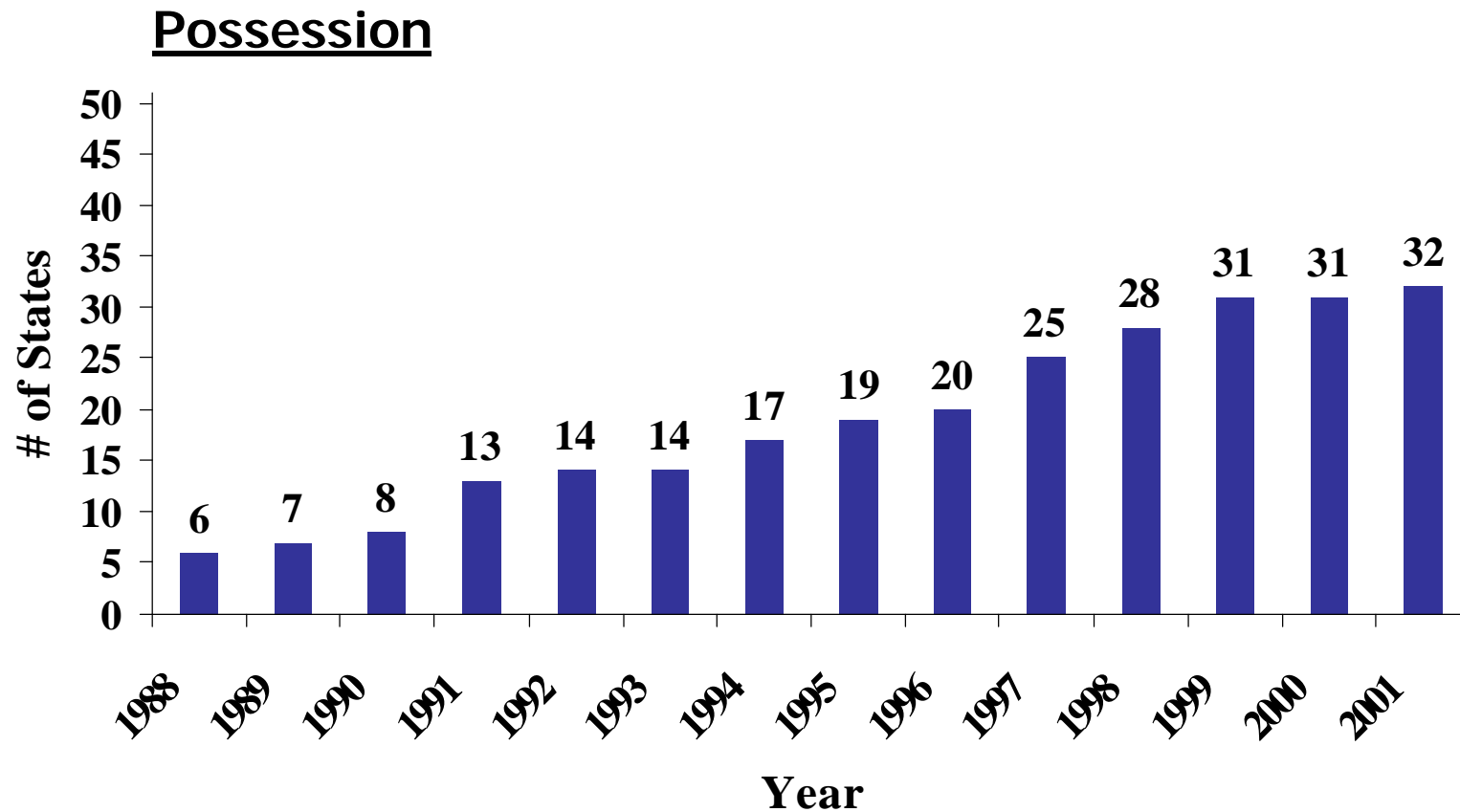
Seattle, WA

June 1, 2002

Background:

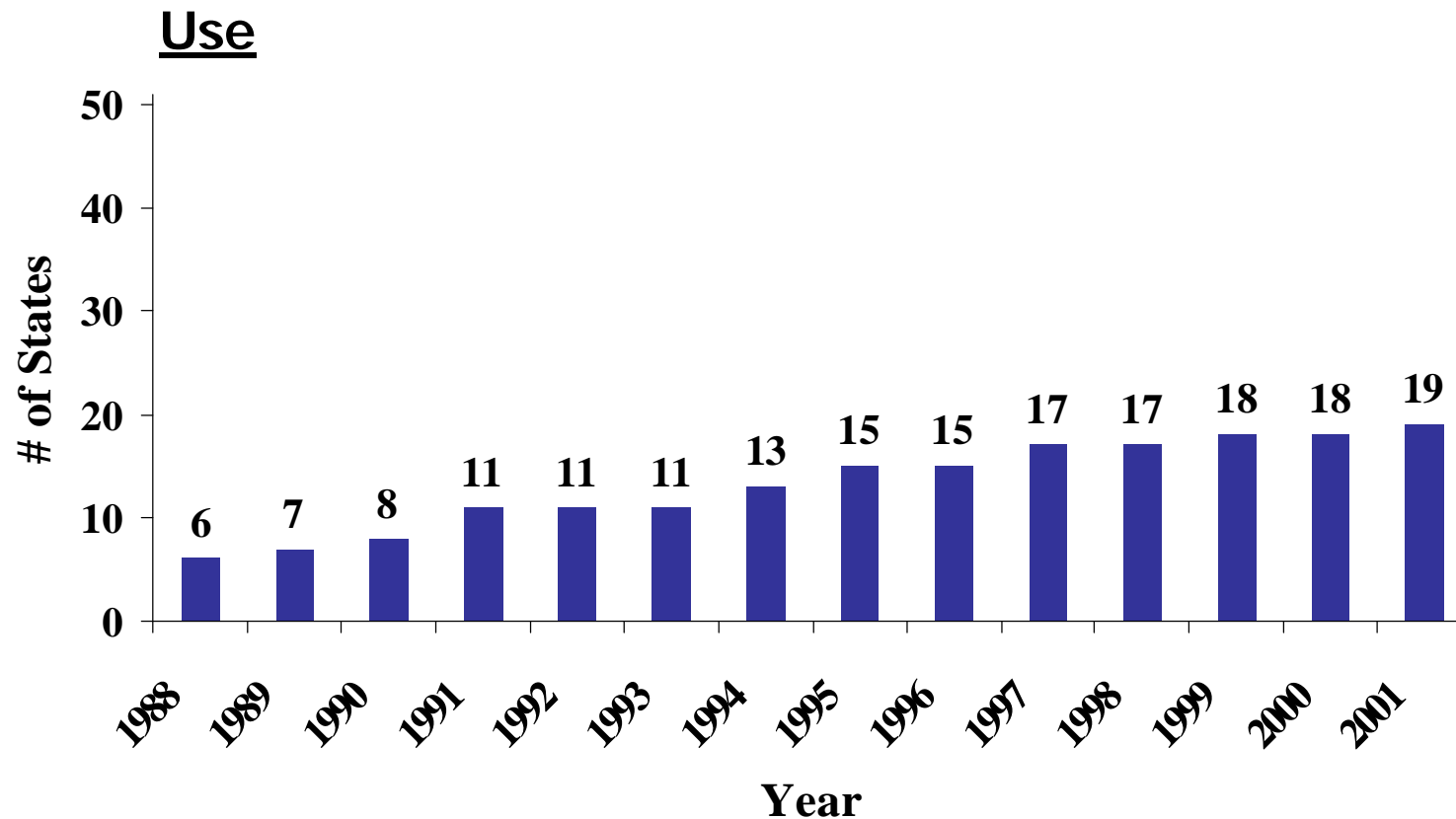
- ▶▶ Tobacco control youth access policies may promote reductions in tobacco use
- ▶▶ Possession, use, and purchase (PUP) laws, penalize minors, themselves, for possessing, using, and/or purchasing tobacco products
- ▶▶ Recent trends indicate a sharp increase in the number of state PUP laws:
 - ✓ 1988: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



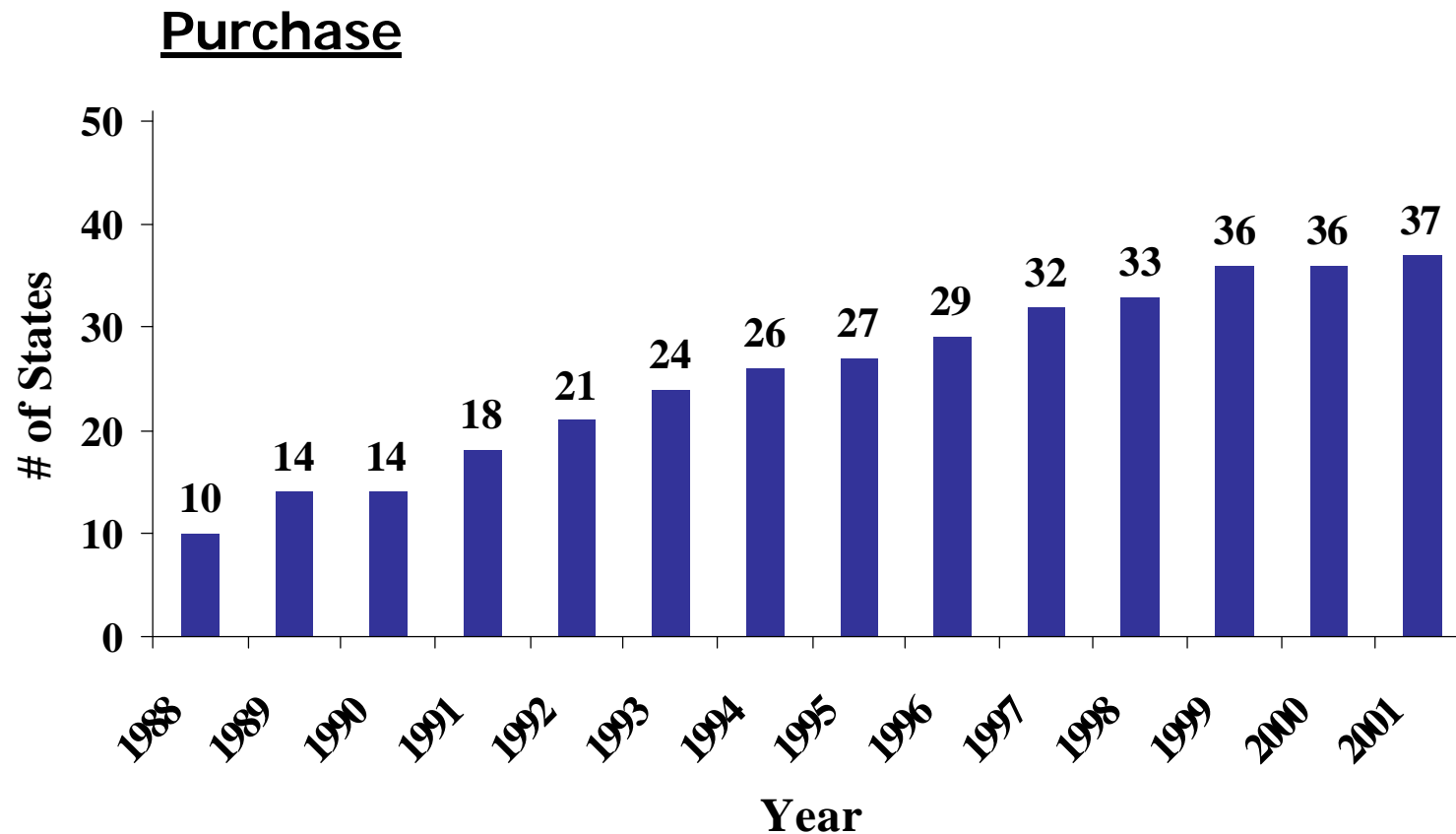
*Source: "State Legislated Actions On Tobacco Issues", 1988-2001, CDC's STATE system, Roswell Park Cancer Institute.

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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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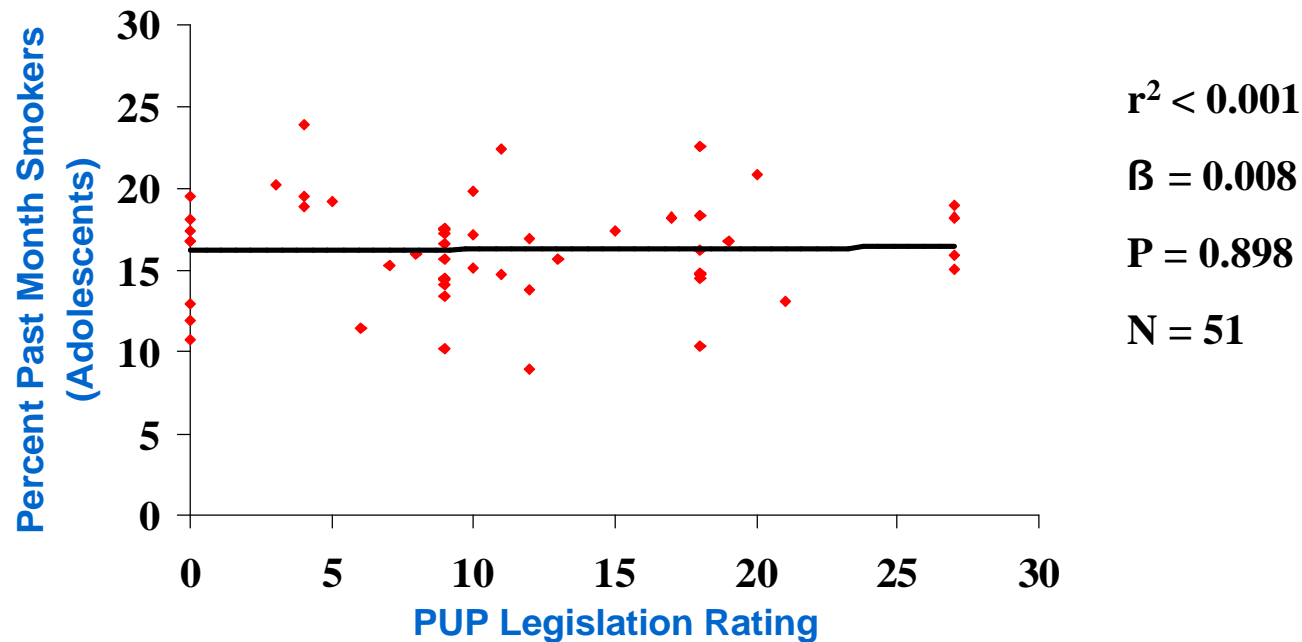
PUP Laws have been controversial:

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 ≥ 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:

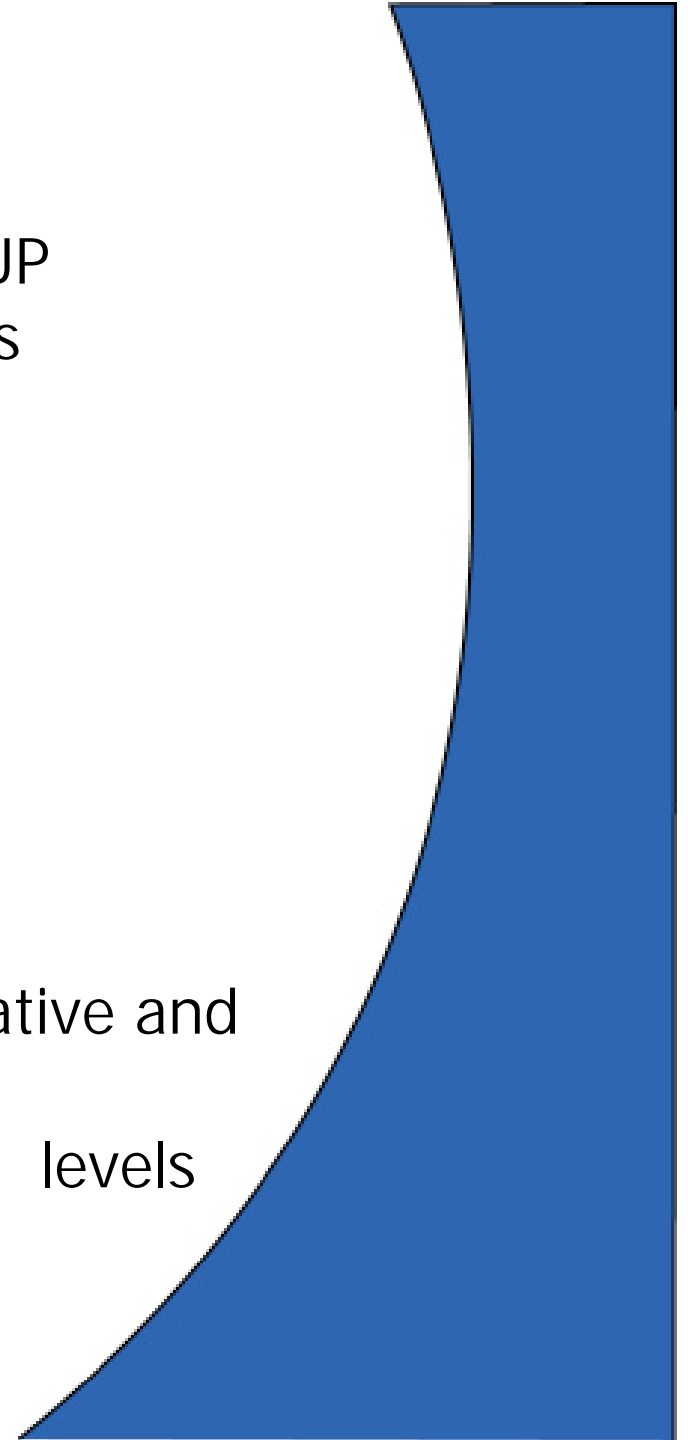
✓ PUP laws were generally associated with lower smoking rates among the youngest adolescents at low or medium risk (*i.e those who were least likely to smoke to begin with*).*

▶▶ 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 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 are based on preliminary data from a sample of the 44 states with one or more PUP law(s):

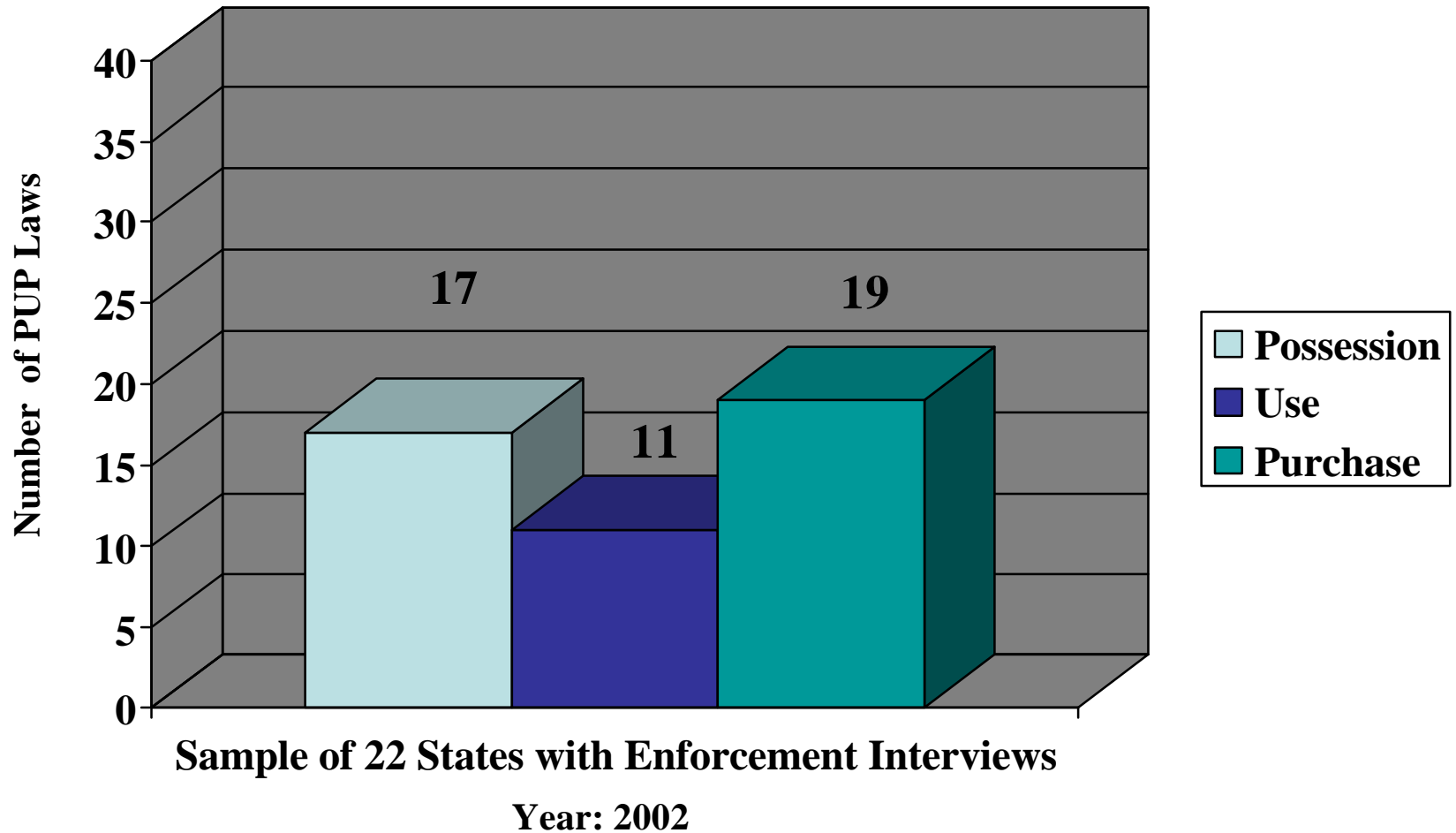
- ✓ Telephone interviews are being conducted with tobacco control officials in all 44 states that have at least one PUP law
- ✓ These interviews began in May 2002, and initial interviews with 22 states have been completed to date
- ✓ Data are collected on state enforcement activities and practices related to youth access possession, use, and/or purchase laws
- ✓ These preliminary state PUP data were collected by a trained tobacco control researcher at Roswell Park Cancer Institute
- ✓ Subsequent follow-up interviews will be conducted with additional state and local contact sources



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STATE ENFORCEMENT

Number of Possession, Use, and Purchase Laws

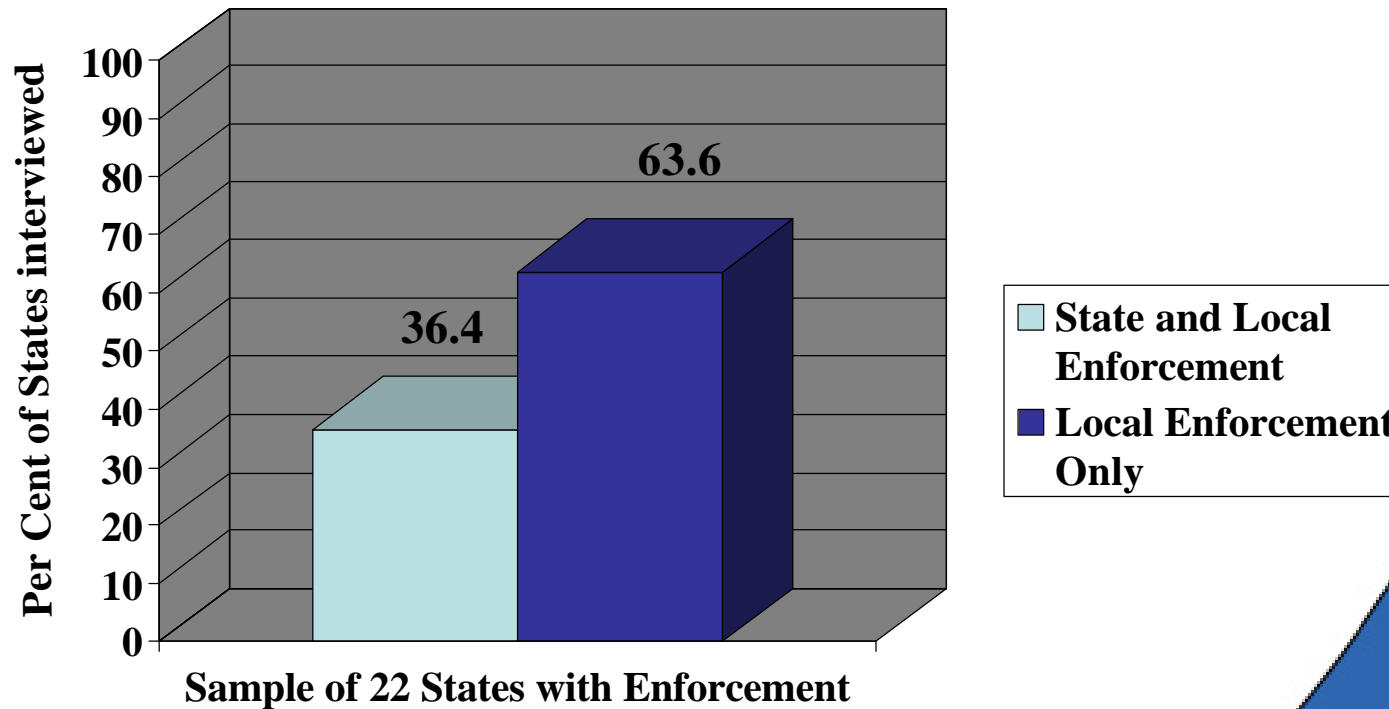


STATE ENFORCEMENT

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

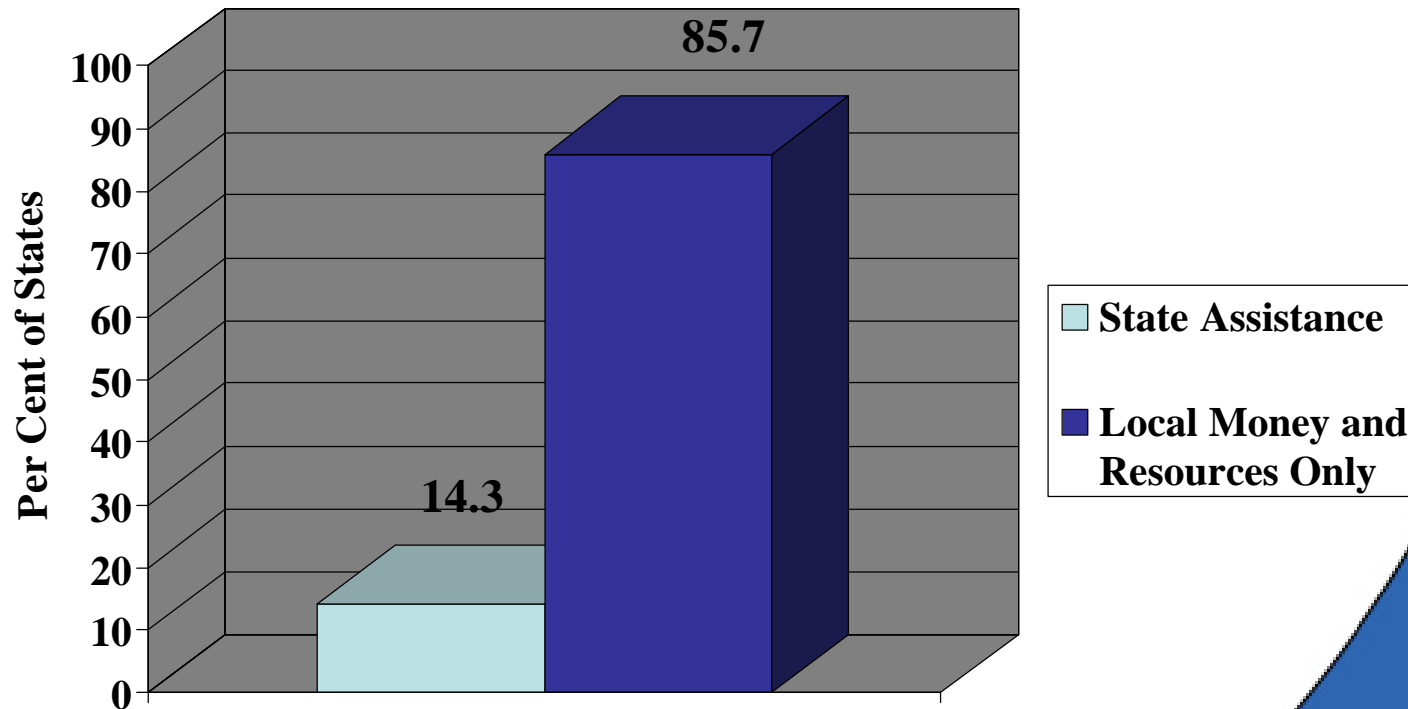


STATE ENFORCEMENT

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

- ✓ Two 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



14 States with Local Enforcement Only

Year: 2002

STATE ENFORCEMENT

The pattern of PUP enforcement suggests that possession/ use laws are more frequently and 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 a compliance check or the normal course of other duties.”

States indicated that the specific pattern of PUP enforcement is subject to a great amount of variation among local jurisdictions within states

STATE ENFORCEMENT

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

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

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

- ✓ The frequency of citations and number of citations issued were generally not collected, documented, or tracked at the state level
- ✓ The practice of issuing citations also varied among local areas of jurisdiction throughout the states

STATE ENFORCEMENT

While most states indicated that citations had been issued for violations of PUP laws during the past year, they could not provide or estimate numbers of citations issued

- ✓ Only one state interviewed was able to provide a specific number of statewide PUP citations issued
- ✓ There were over 3,000 citations issued for tobacco possession violations during 2001, in this state

States could not estimate the per cent of all tobacco PUP violations observed by an enforcement official during the past 12 months that led to a formal citation

- ✓ There is too much variation and there are too many differences among local enforcement practices to provide an estimate

STATE ENFORCEMENT

States indicated that the following are 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

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

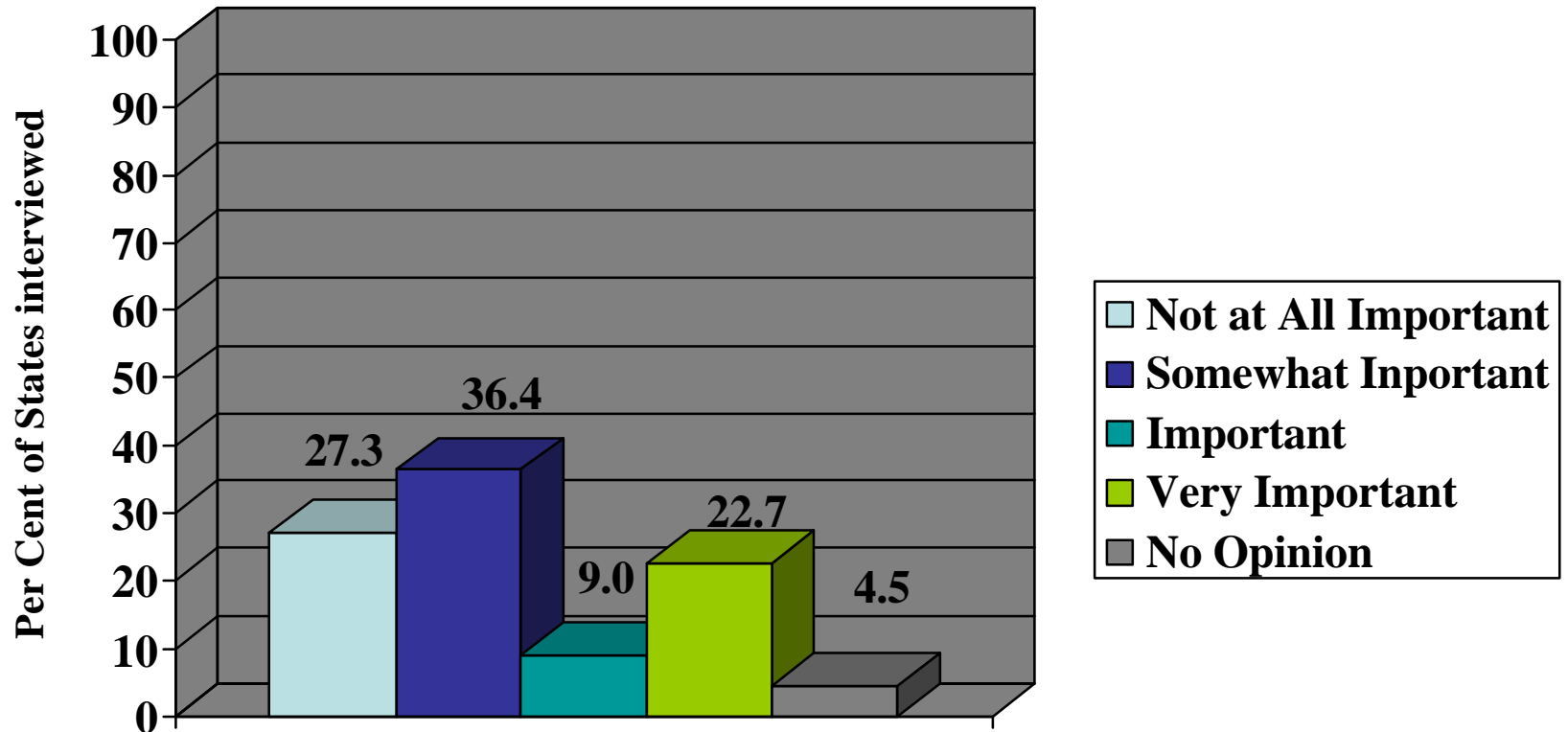
- ✓ Youth Access funds were often earmarked for sales to minors' enforcement activities and tobacco prevention activities

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

STATE ENFORCEMENT

Importance of PUP Enforcement as part of the State Overall Tobacco Control Strategy



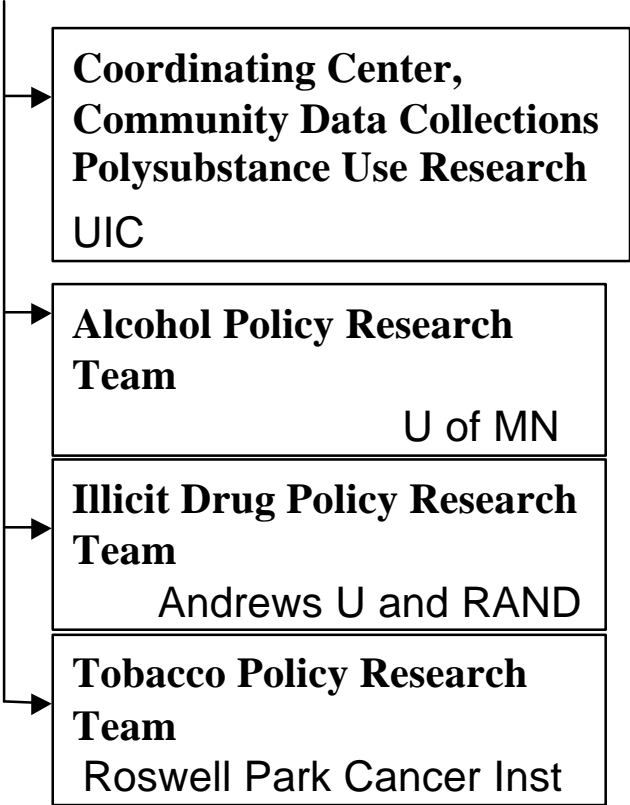
Sample of 22 States with Enforcement Interviews
Year: 2002

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

- ✓ ImpacTeen 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

ImpacTeen



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These local key informant interview data include:

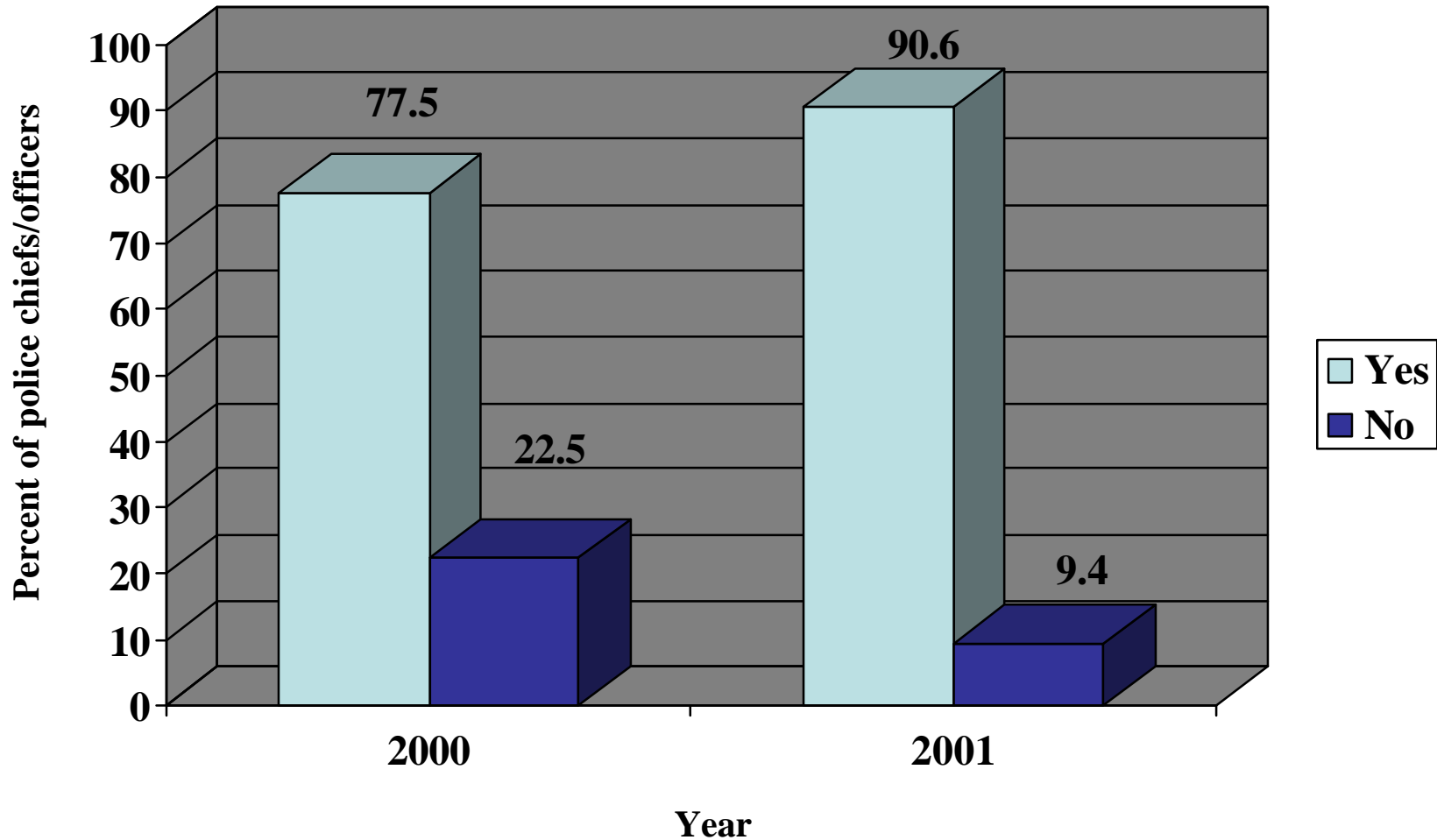
- ✓ Community data from 1999, 2000, and 2001
- ✓ Tobacco Possession Ordinance Feedback Module responses from:
 - 153 sites in 1999
 - 94 sites in 2000
 - 106 sites in 2001
- ✓ Respondents from these participating sites were police chiefs and police officers in local communities



*A Policy Research Partnership
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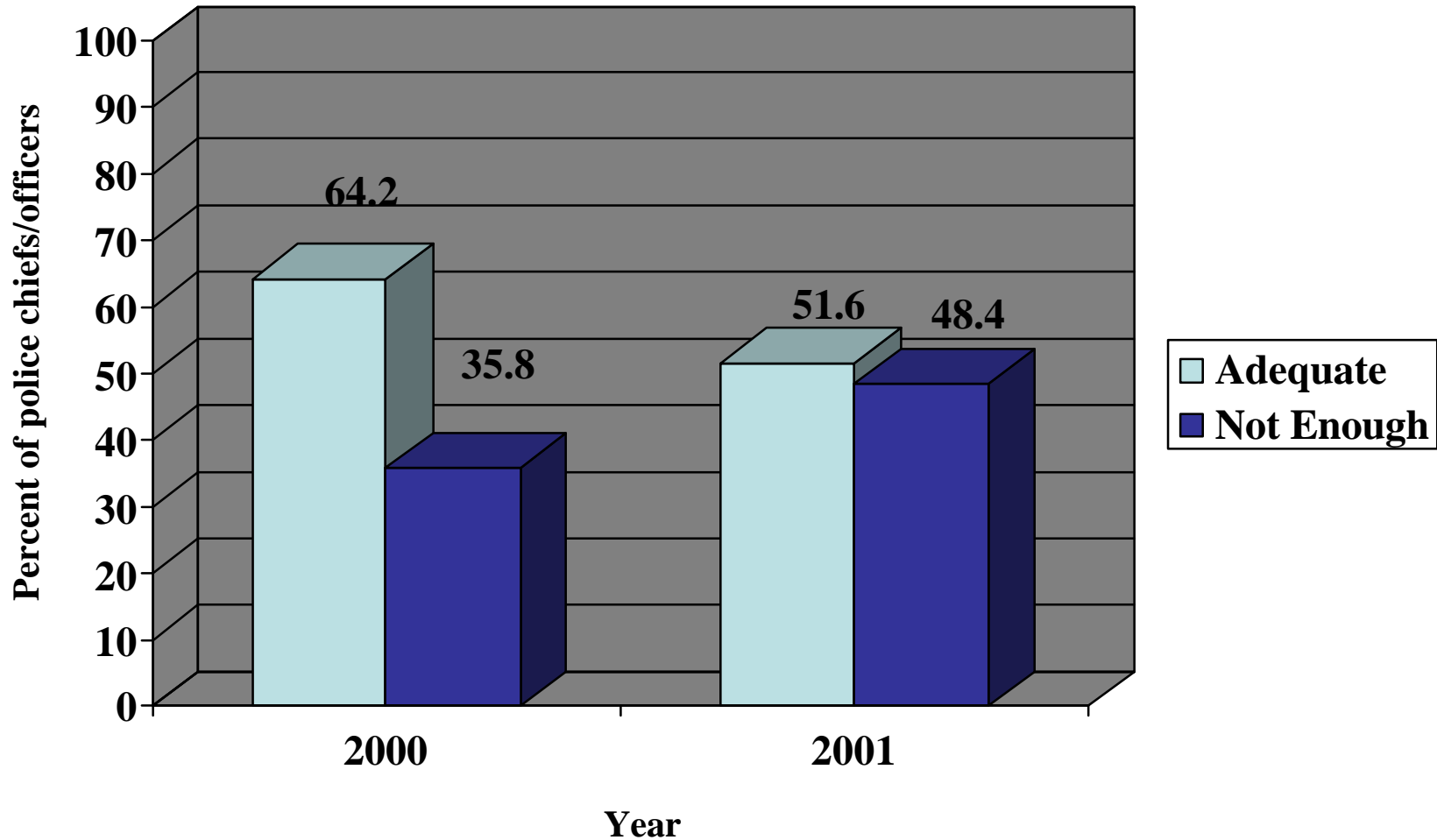
LOCAL ENFORCEMENT

Tobacco Possession Ordinance Enforced in Your Community



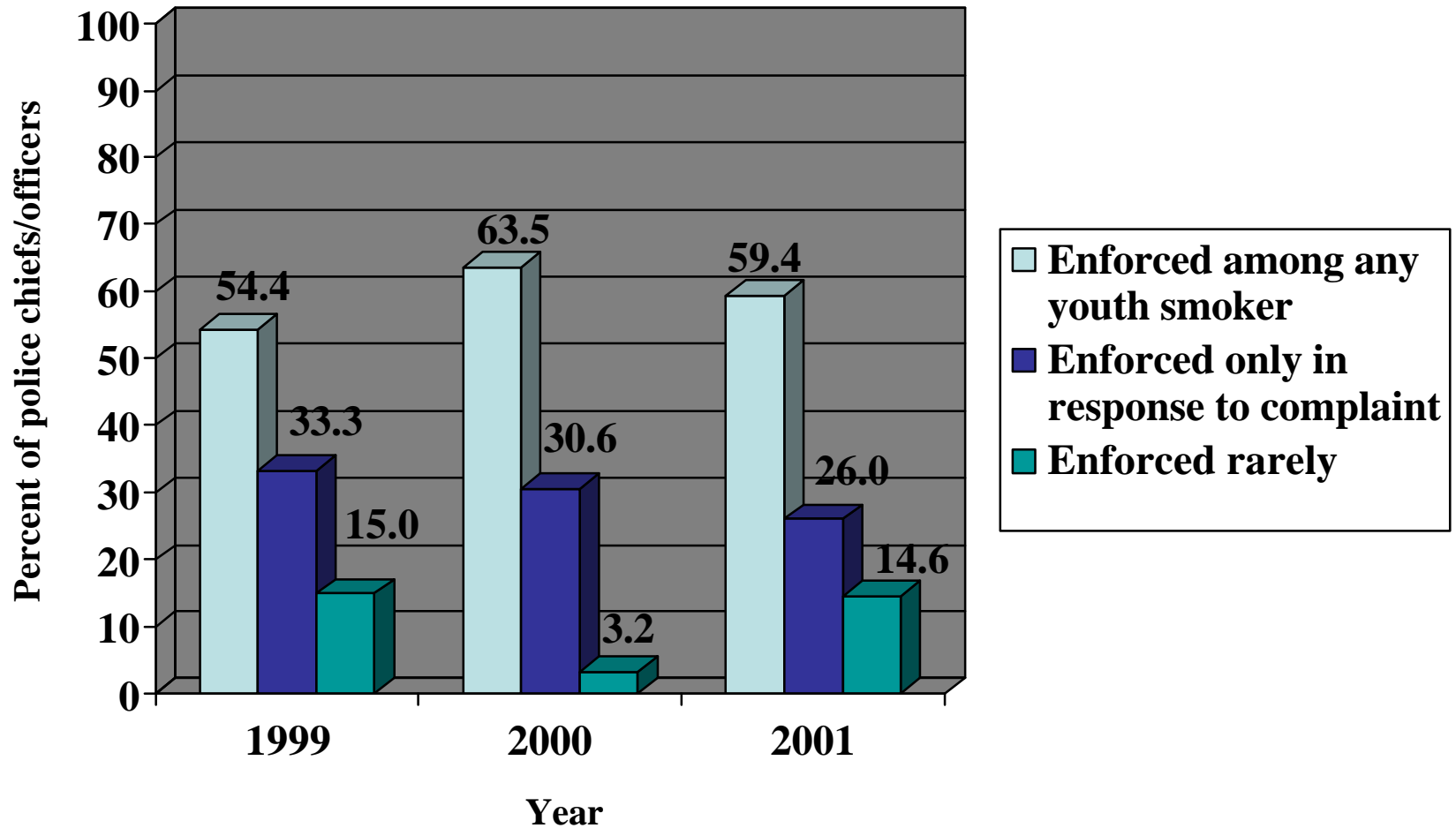
LOCAL ENFORCEMENT

Resources Adequate to Effectively Enforce Tobacco Possession Ordinance



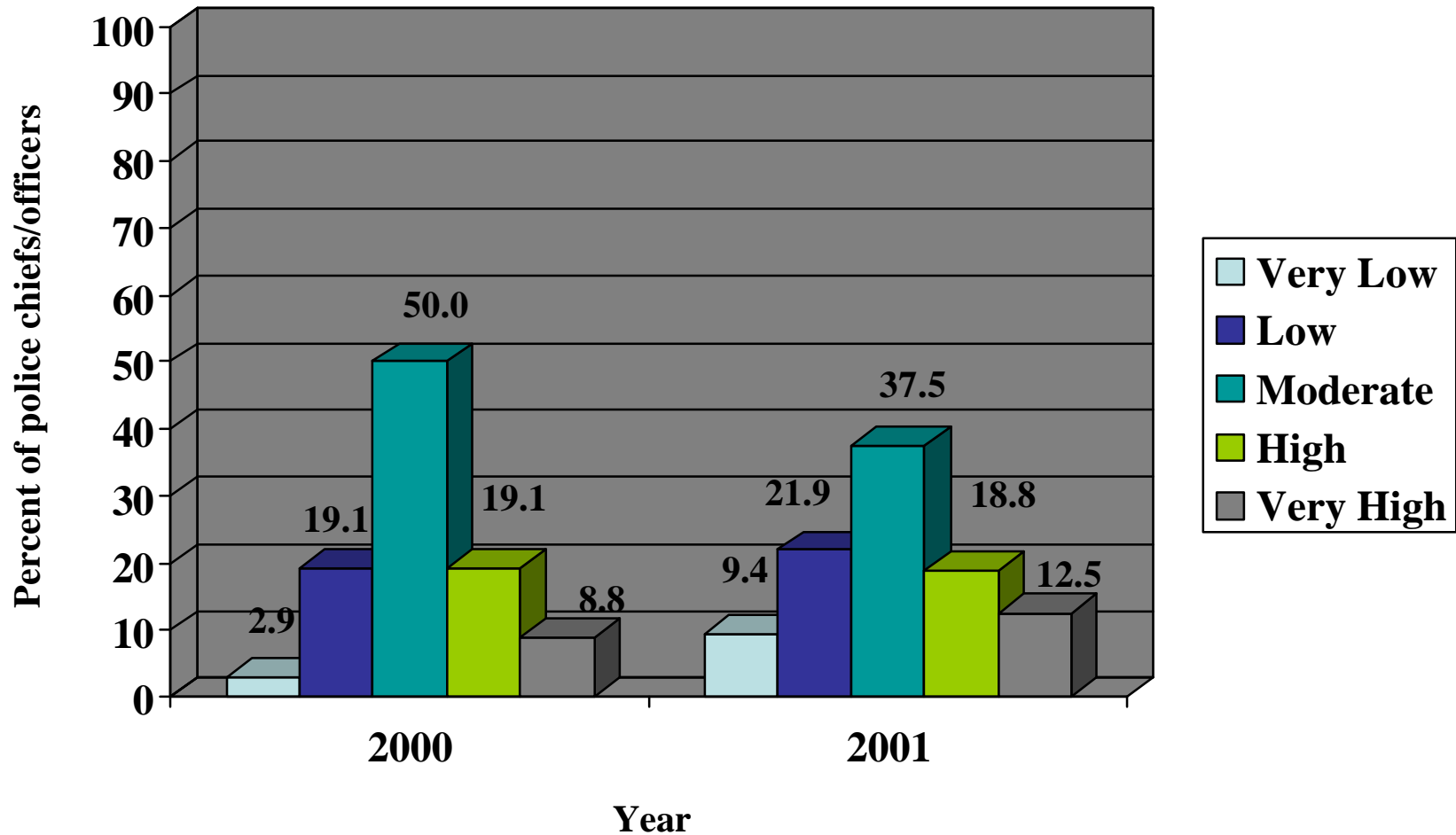
LOCAL ENFORCEMENT

Pattern of Possession Ordinance Enforcement:



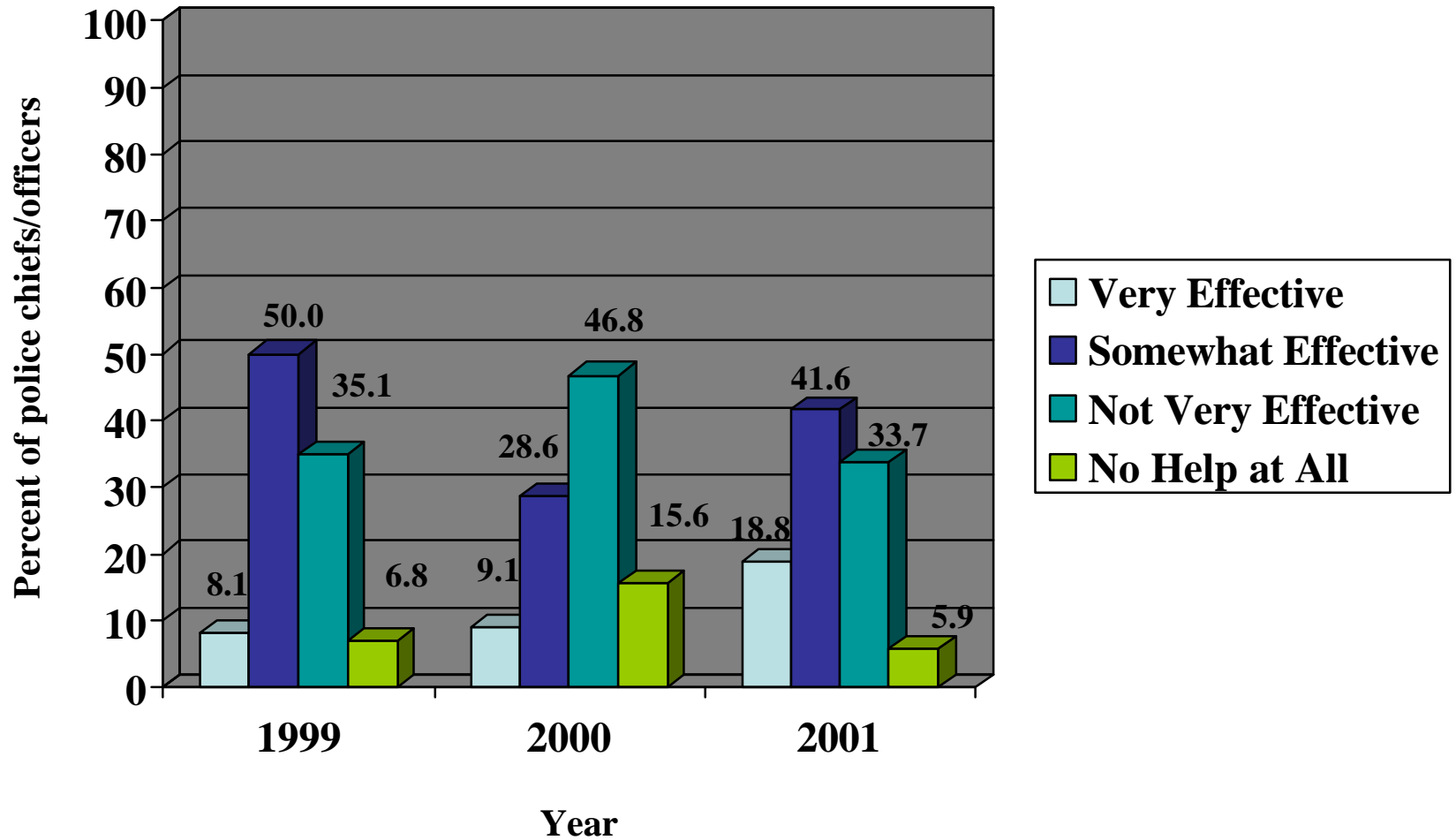
LOCAL ENFORCEMENT

Community Priority of Tobacco Possession Ordinance Enforcement



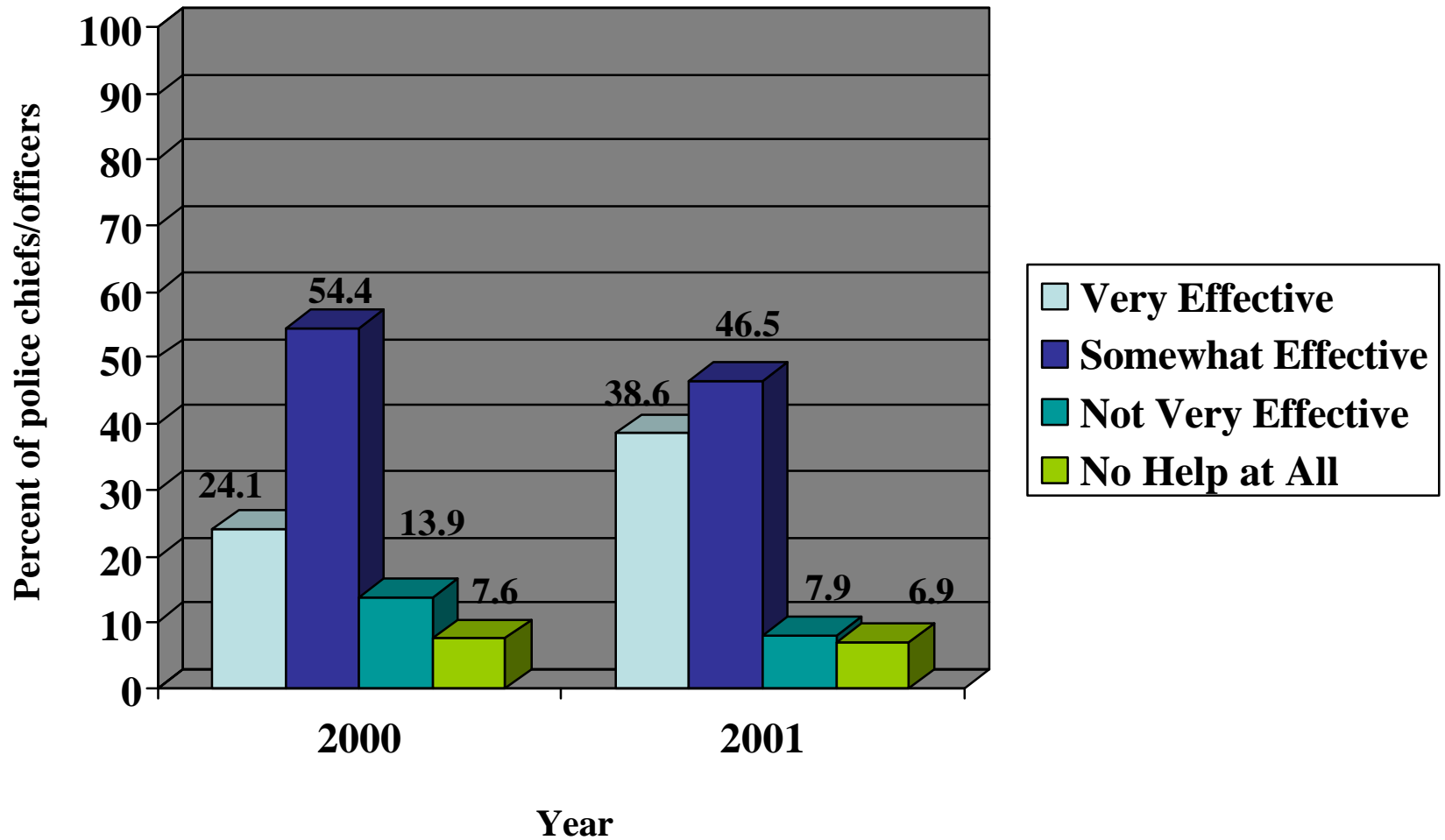
LOCAL ENFORCEMENT

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



LOCAL ENFORCEMENT

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



LOCAL ENFORCEMENT

Police chiefs and officers from local communities indicated that it is becoming less common to release minors with no action taken when caught possessing tobacco:

- ✓ In 2000: 55.2% indicated that minors are never or rarely released with 'no action' taken when caught possessing tobacco
- ✓ In 2001: 45.9% indicated that minors are never or rarely released with 'no action' taken when caught possessing tobacco

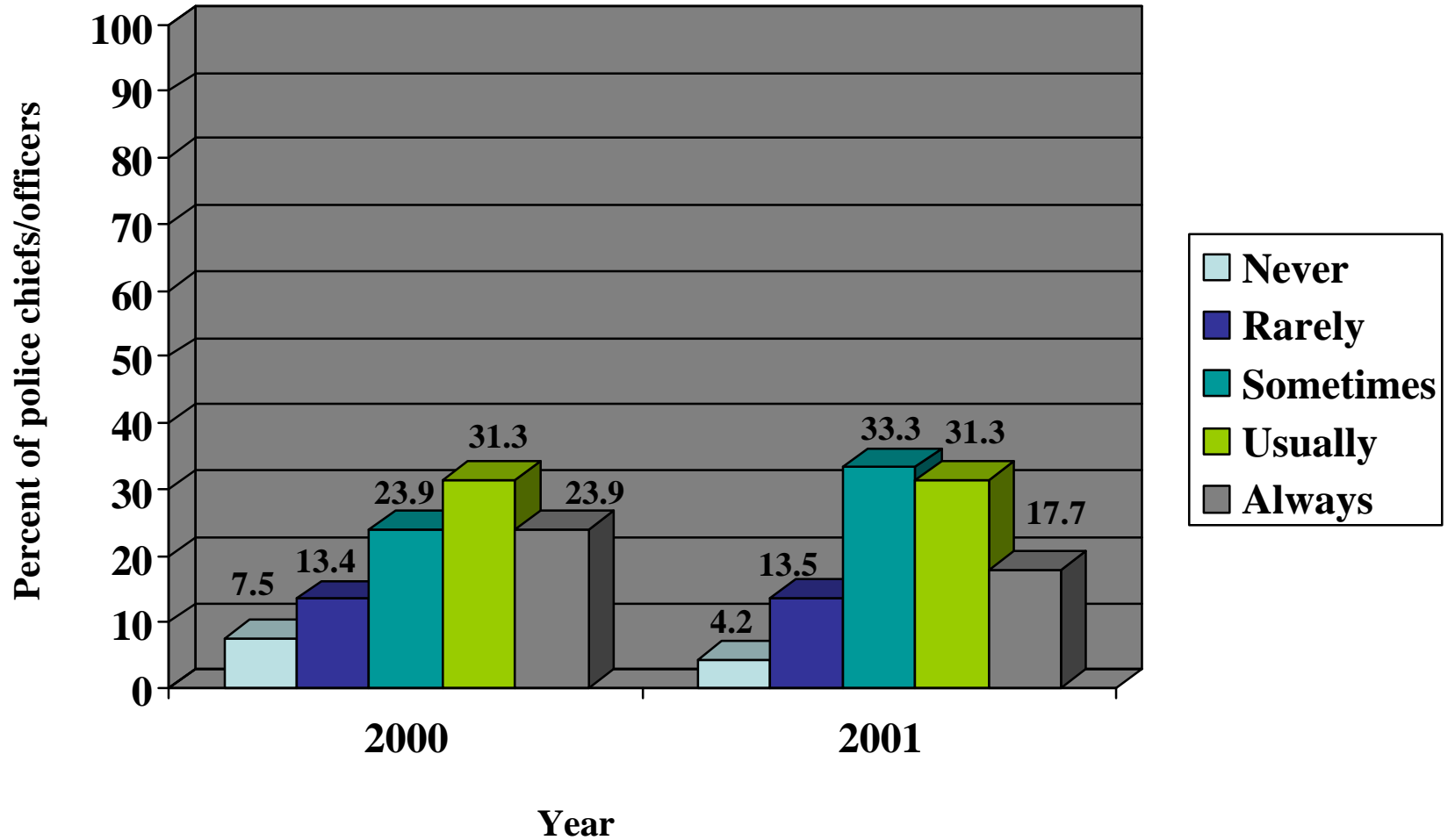
LOCAL ENFORCEMENT

Police chiefs and officers from local communities indicated that the following are typical actions taken when a minor is caught possessing tobacco: (years 2000, 2001)

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

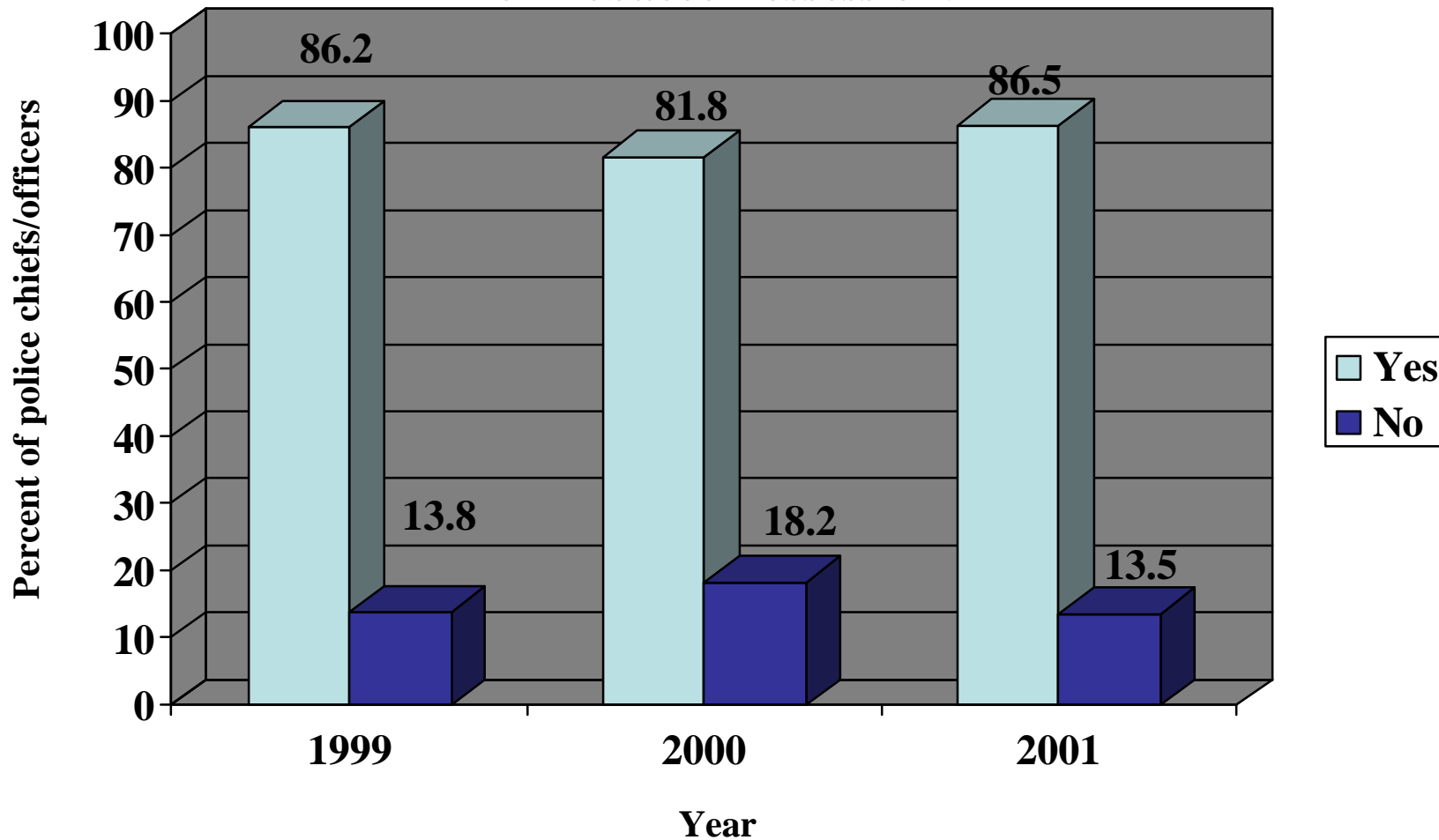
LOCAL ENFORCEMENT

How Often are Minors Caught for Tobacco Possession Issued a Citation?



LOCAL ENFORCEMENT

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



LOCAL ENFORCEMENT

Police chiefs and officers from local communities indicate 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)
- ▶▶ States and local areas do not receive specific funding allocated to PUP enforcement activities

Discussion:

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
- ▶▶ 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)
- ▶▶ Actions and penalties, including min/max fines and graduated penalties vary among local areas
- ▶▶ States with more severe penalties typically indicated less PUP enforcement activity

Discussion:

Effectiveness of PUP laws and enforcement activities remains questionable:

- ▶▶ A majority of respondents in local communities considered their local possession ordinance to be only 'somewhat effective' or 'not very effective' in reducing tobacco use by minors
- ▶▶ A majority of states consider PUP enforcement to be 'not at all important' or only 'somewhat important' as part of their overall state tobacco control strategy
- ▶▶ 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 assess state enforcement activities and practices in the remaining 22 states with one or more PUP laws
- ▶▶ Additional interviews will be conducted with state and local contact sources to verify data and obtain more detailed information
- ▶▶ State and local enforcement measures will be developed, along with indices to better assess PUP enforcement, at both state and local levels

Future Research:

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

The effectiveness of PUP laws and their enforcement as a tobacco control strategy deserves further study and evaluation