

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

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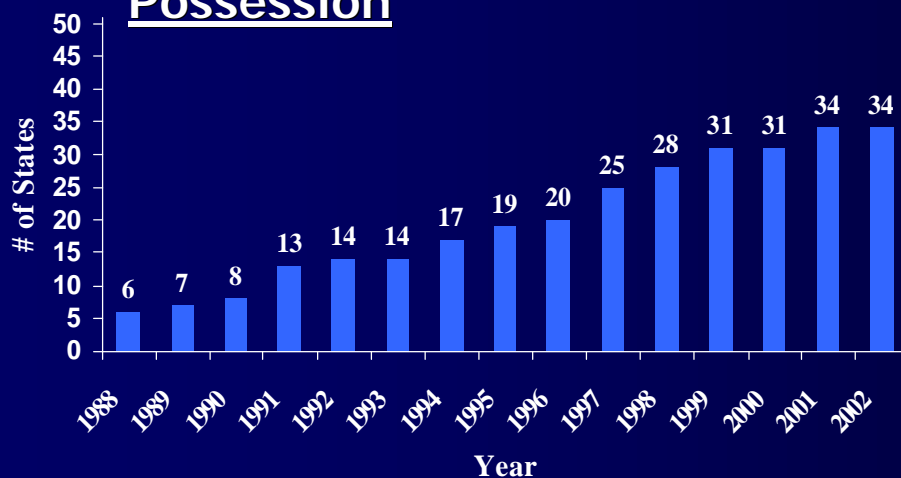
**Society for Research on Nicotine & Tobacco
9th Annual Meeting
New Orleans, Louisiana
February 21, 2003**

Background:

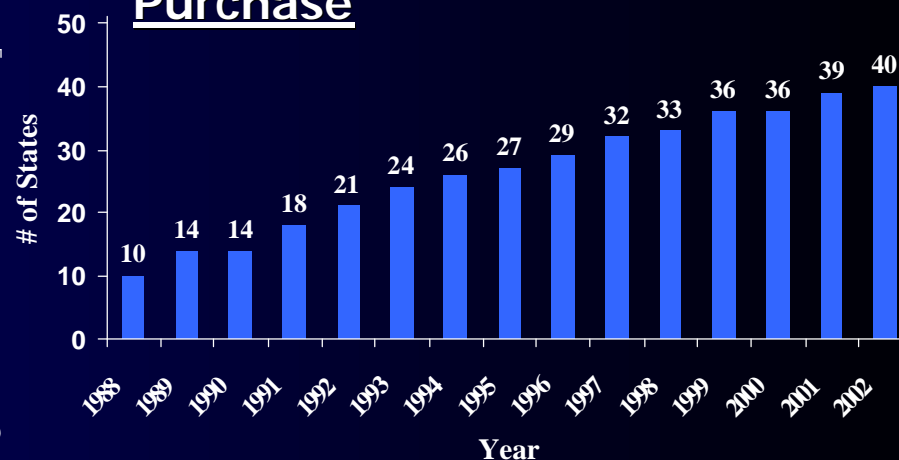
- ▶▶ Tobacco control youth access policies may promote reductions in tobacco use
- ▶▶ Possession, use, and purchase (PUP) laws, penalize minors, themselves, for possessing, using, and/or purchasing tobacco products
- ▶▶ Recent trends indicate a sharp increase in the number of state PUP laws:
 - ✓ 1988: 17 states had enacted at least one PUP law
 - ✓ 2002: 45 states had enacted at least one PUP law
- ▶▶ There is little empirical data on the effectiveness of such laws.

Possession, Use, and Purchase Laws per State* -- United States, 1988-2002, includes the District of Columbia

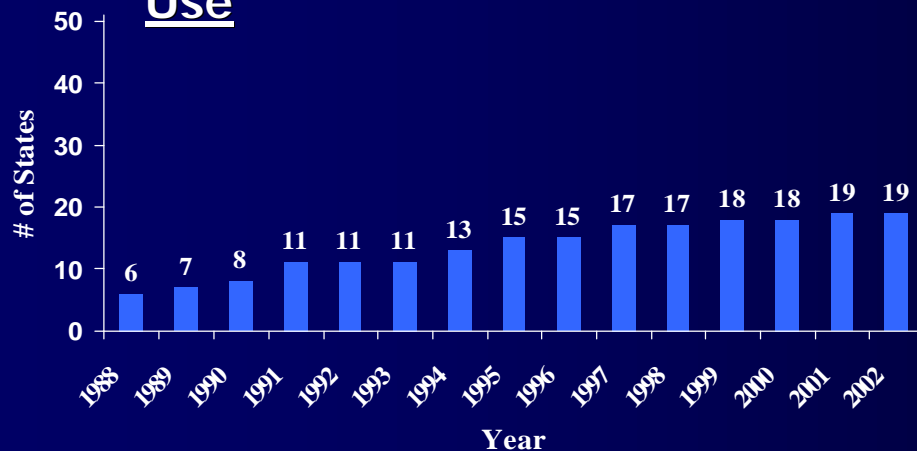
Possession



Purchase

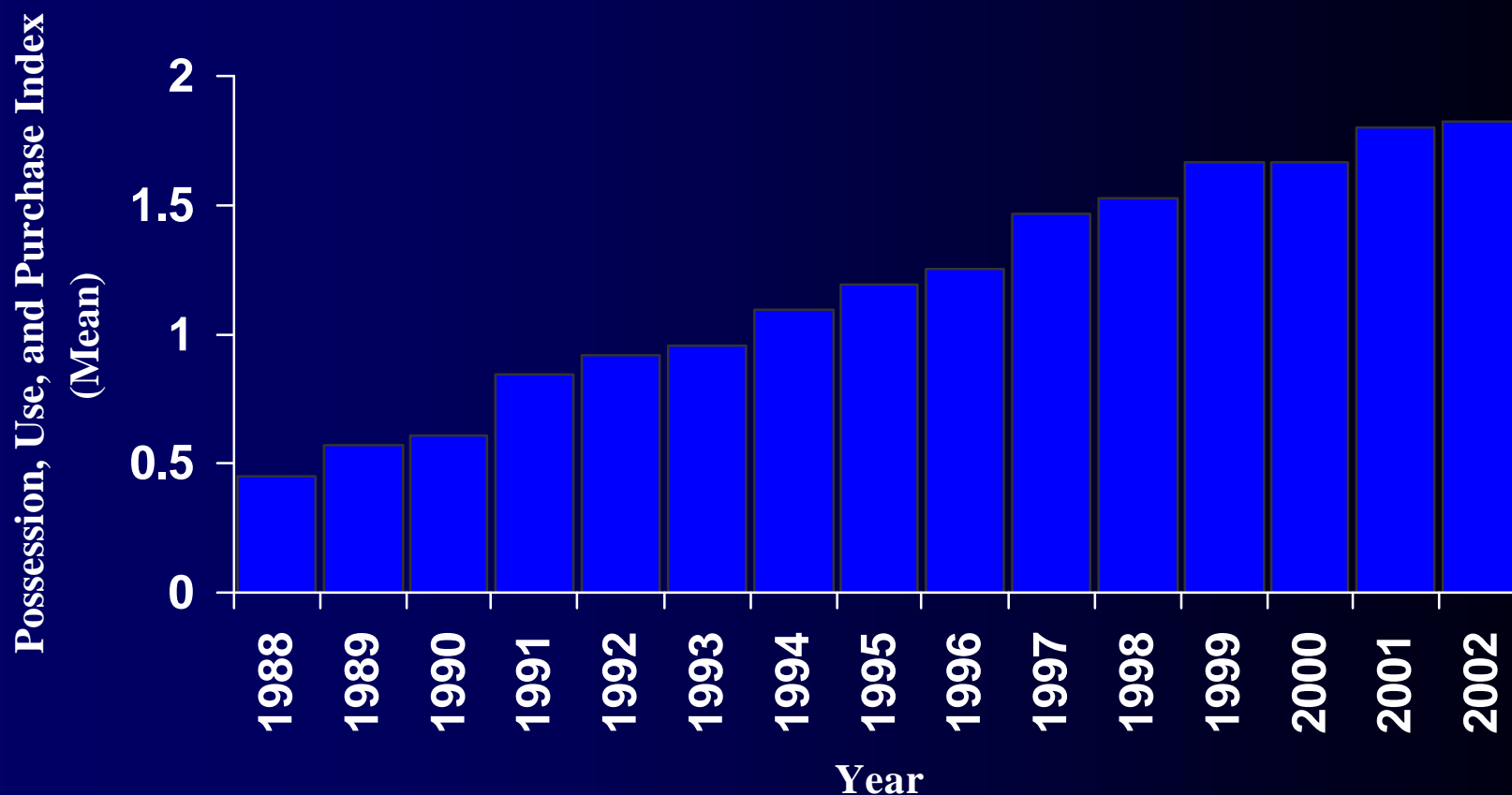


Use



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

Mean Number of Possession, Use, and Purchase Laws per State* -- United States, 1988-2002**



*Includes the District of Columbia; Theoretical Range = 0-3

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

PUP Laws have been controversial – Arguments in Favor:

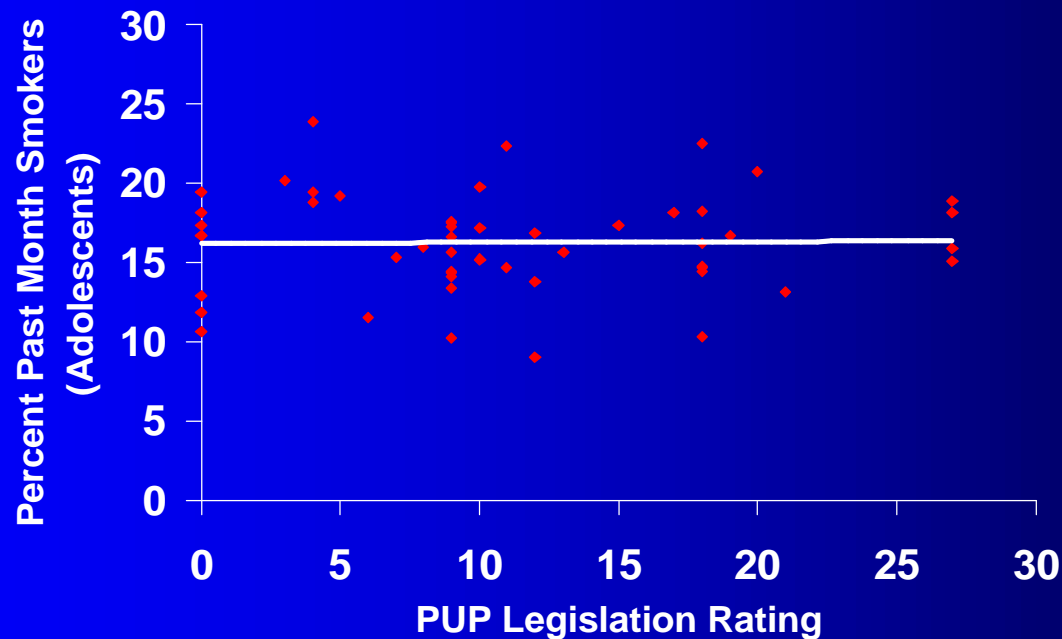
- ✓ **Promote youth accountability and personal responsibility (merchants should not be the only ones liable)**
- ✓ **Add a cost to youth for tobacco use**
- ✓ **Law enforcement uses PUP laws to inspect suspicious youth: potentially reducing crime and other illegal substance use**
- ✓ **Reinforce illegal 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 ≥ 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**

* 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:

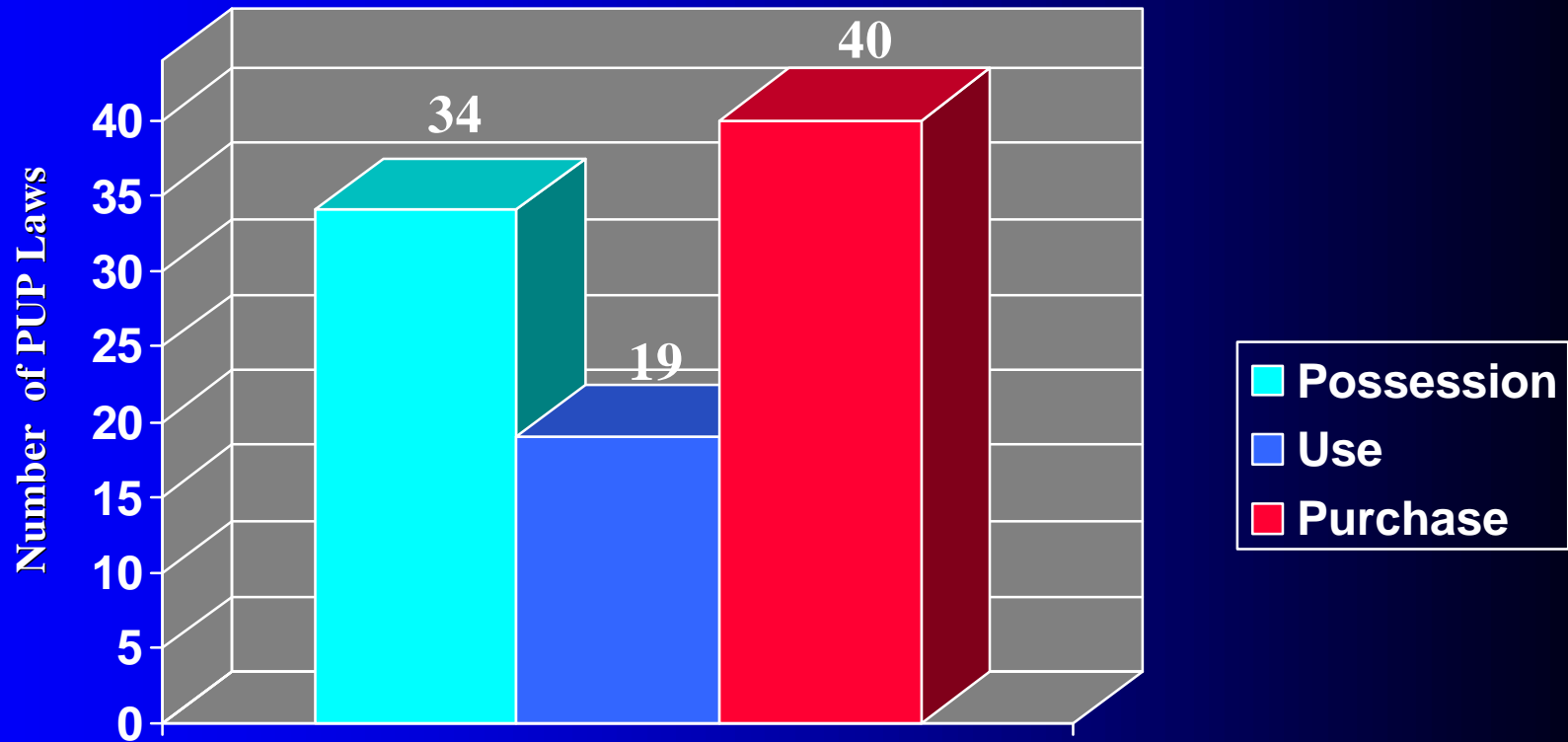
- ✓ To descriptively present State PUP enforcement data for states with PUP laws
- ✓ To descriptively present Local enforcement data for a sample of communities with tobacco Possession ordinances
- ✓ To discuss state and local PUP enforcement activities, including formative and future research concerning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

Methods:

- ✓ Telephone interviews were conducted from May to December 2002 and interviews with all 45 states with one or more PUP law(s) have been completed
- ✓ Data have been collected on state enforcement activities and practices related to PUP laws, and follow-up interviews have been conducted with appropriate state and local contacts

STATE ENFORCEMENT

Number of Possession, Use, and Purchase Laws



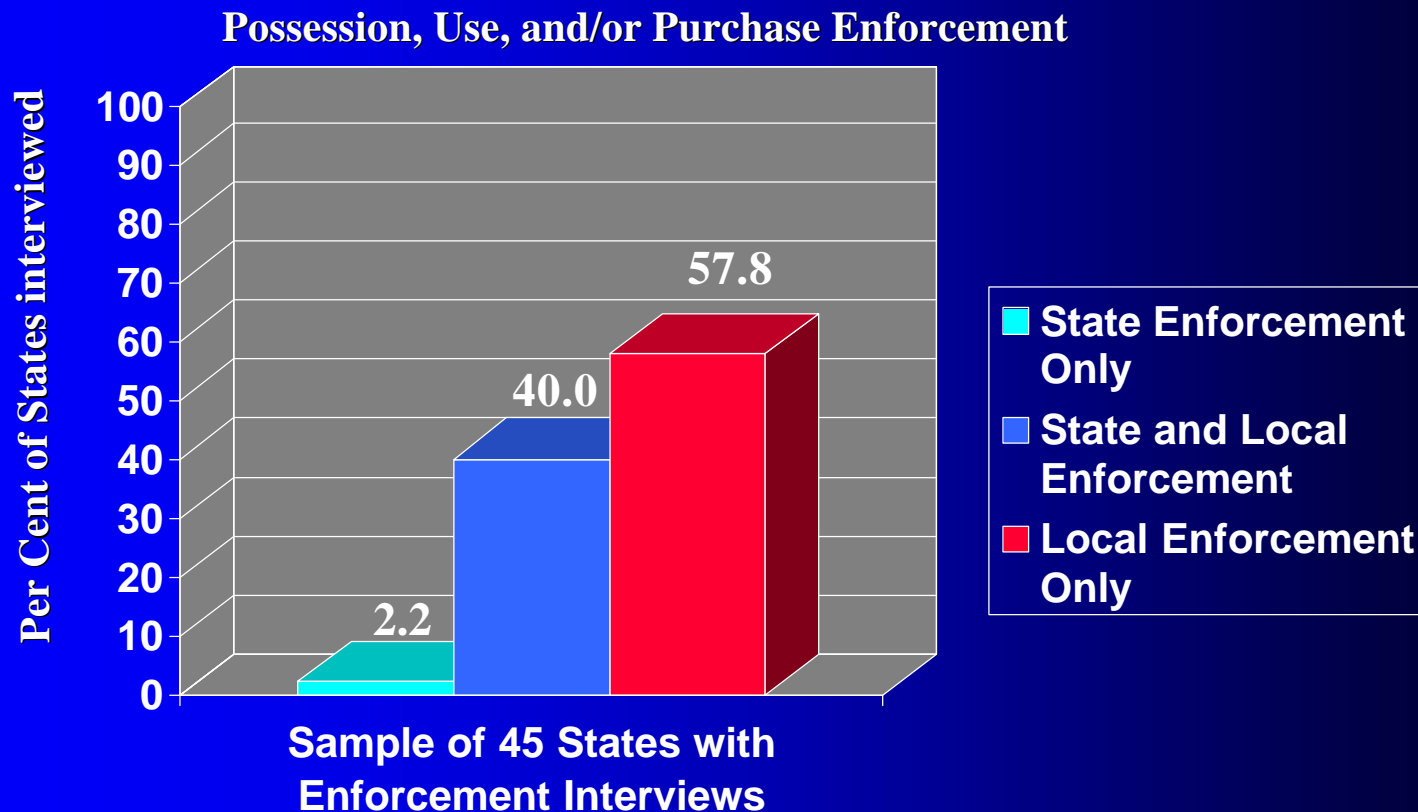
Sample of 45 States with Enforcement Interviews

Year: 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



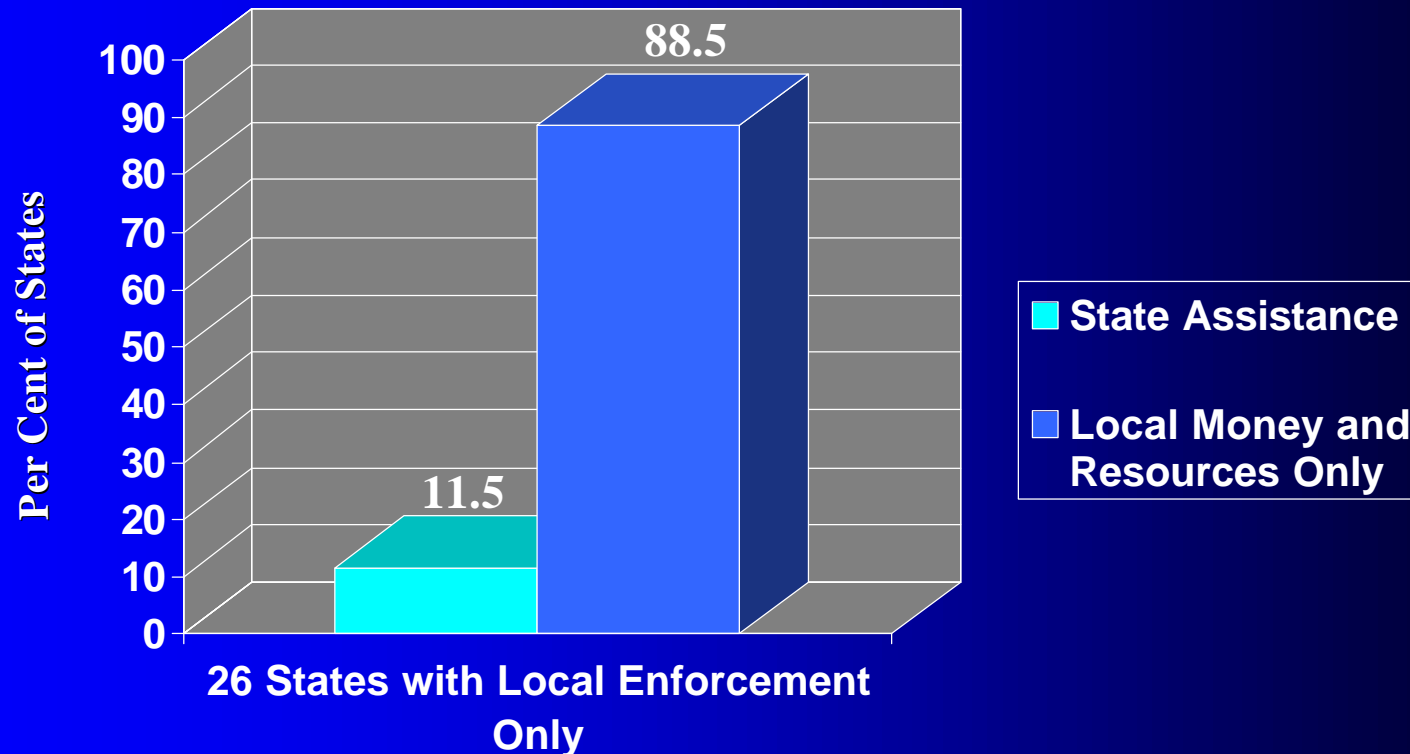
Year: 2002

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



Year: 2002

STATE ENFORCEMENT

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

- ✓ This enforcement also varies greatly by local jurisdiction

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
- ✓ Minors would most typically be issued a citation - the frequency of citations and number issued were generally not collected, documented, or tracked at the state level

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

STATE ENFORCEMENT

The following are typical first-time citation or conviction penalties imposed when a minor is caught in violation of PUP law(s):

- ✓ Fines (most common), Community Service, Tobacco Cessation Program/Class
- ✓ Graduated penalties often included an increasing fine schedule or a combination of penalties indicated above
- ✓ States with more severe penalties typically indicated lower levels of actual PUP enforcement activities

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

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
- ✓ Local key informant community data include Tobacco Possession Ordinance responses from 153 sites in 1999, 94 sites in 2000, and 106 sites in 2001
- ✓ Respondents from these participating sites were police chiefs and police officers in local communities

University of Illinois at Chicago

Health Research and Policy Centers

ImpactTeen

→ **Coordinating Center,
Community Data Collections
Polysubstance Use Research
UIC**

→ **Alcohol Policy Research
Team**

U of MN

→ **Illicit Drug Policy Research
Team**

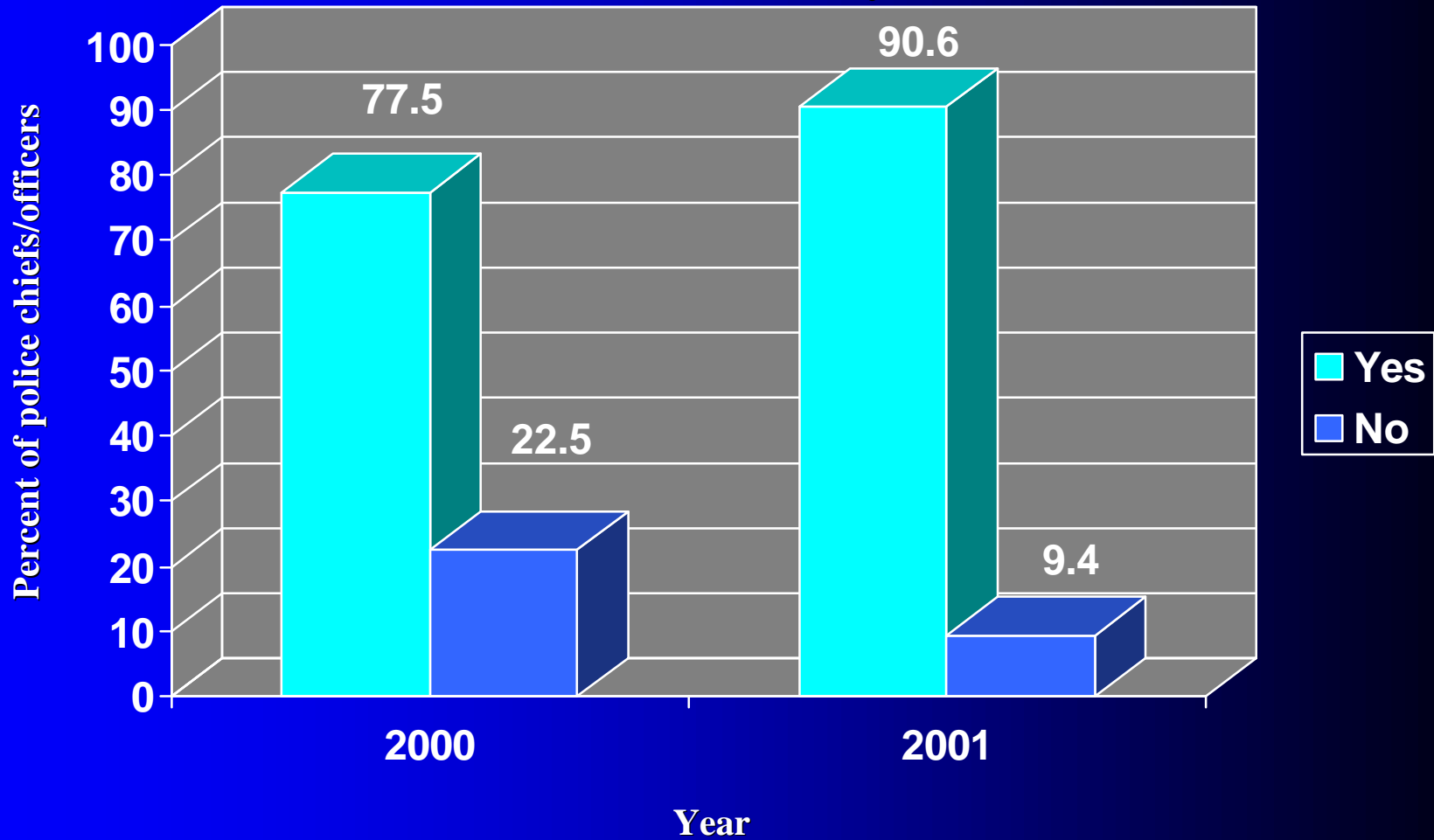
Andrews U and RAND

→ **Tobacco Policy Research
Team**

Roswell Park Cancer Inst

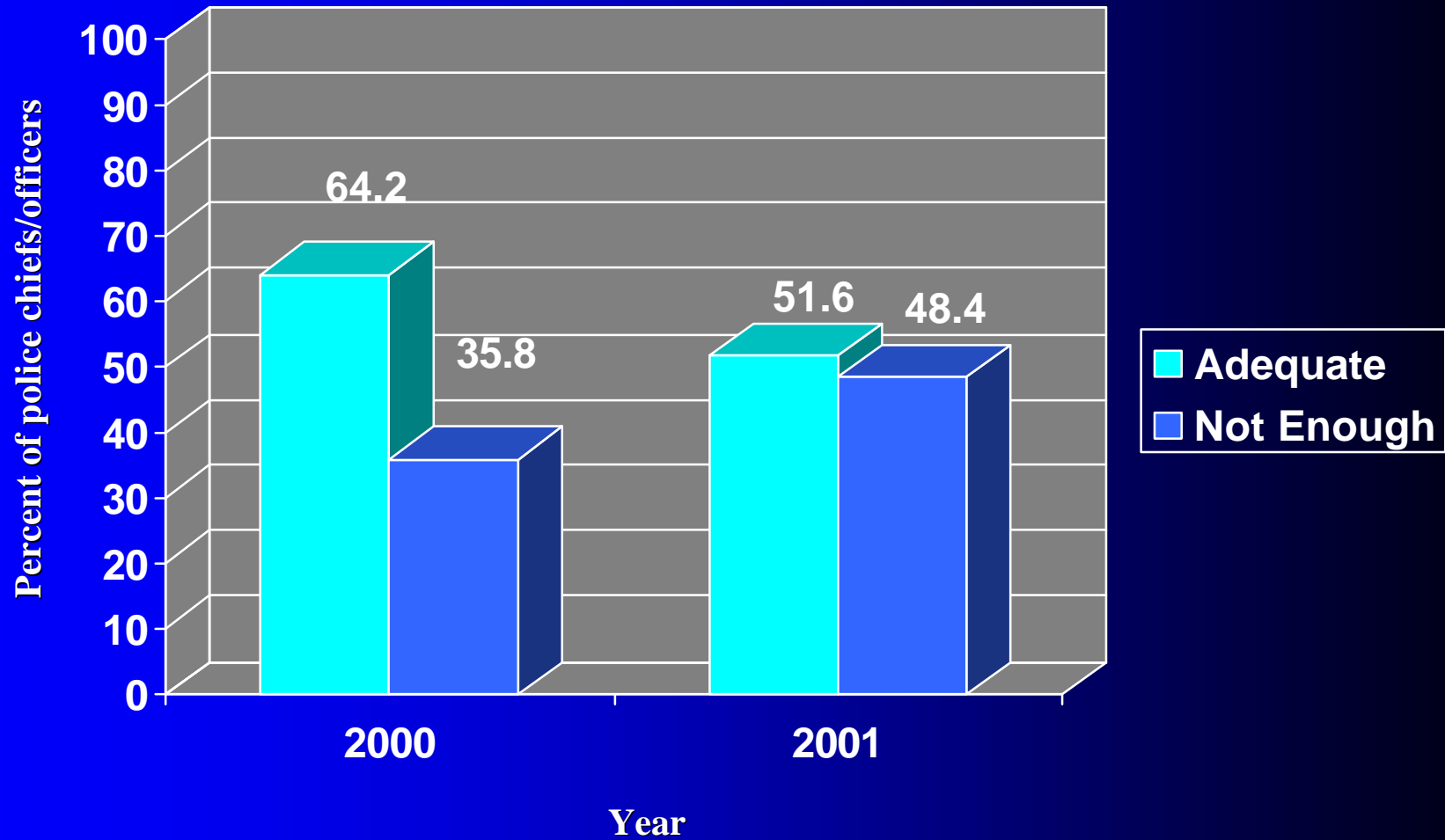
LOCAL ENFORCEMENT

Tobacco Possession Ordinance Enforced in Your Community



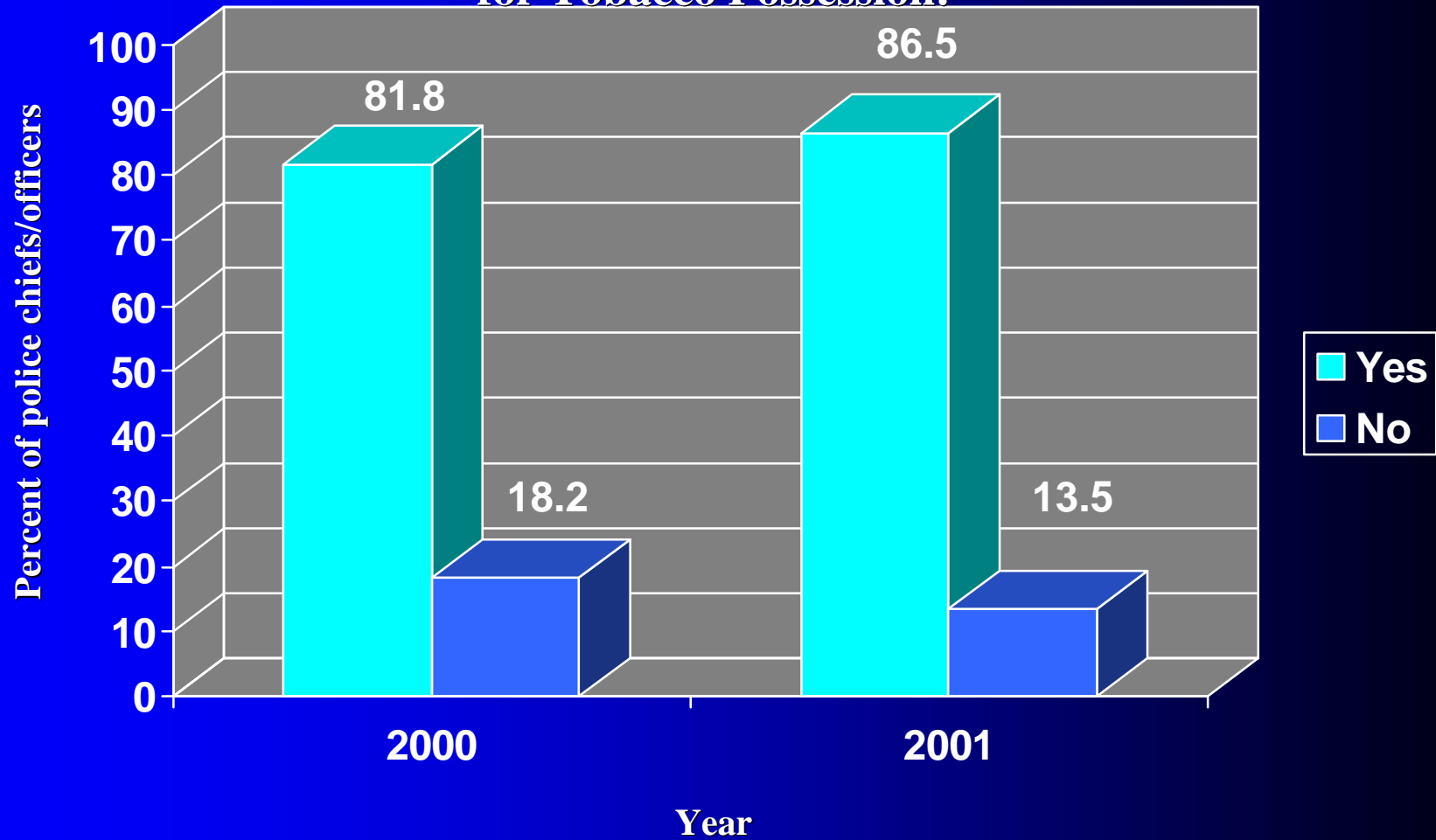
LOCAL ENFORCEMENT

Resources Adequate to Effectively Enforce Tobacco Possession Ordinance



LOCAL ENFORCEMENT

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 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

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, Tobacco Cessation Program, Counseling
- ✓ Fines were the most common typical first-time penalty (66.7%)
- ✓ A combination of the most-common 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

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

Effectiveness of PUP laws and enforcement activities remains questionable:

- ▶▶ The importance of PUP enforcement efforts as an integral part of state overall tobacco control strategies 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 attitudes toward smoking