



## ENFORCING LAWS PROHIBITING CIGARETTE SALES TO KIDS REDUCES YOUTH SMOKING

---

Strictly enforcing laws prohibiting tobacco sales to minors reduces youth smoking and is an important component of any comprehensive tobacco prevention campaign. While every state forbids retail sales to minors, these restrictions are often not enforced. Failing to enforce minimum-age laws not only wastes a constructive opportunity to reduce youth smoking but also tells kids that the laws need not be taken seriously – which undermines other tobacco-reduction efforts in the media, schools, and communities. The new federal FDA tobacco law, however, makes selling cigarettes to youth a federal violation for the first time (as of June 22, 2010) and establishes a strong federal-state system for stopping sales to kids.

### **It's Too Easy for Kids to Buy Cigarettes**

Each year, kids smoke more than 800 million packs of cigarettes, resulting in almost half a billion dollars in cigarette company profits – and the vast majority of these cigarettes are illegally sold to kids.<sup>1</sup> Despite improvements in state efforts to stop retailer sales of tobacco products to youth, 14 percent of all 9<sup>th</sup> to 12<sup>th</sup> graders who smoke *usually* buy their cigarettes directly from a store, and others do so less frequently.<sup>2</sup> Of the sales to youth smokers, nearly half (48.5%) of them were not asked to show proof of age when purchasing cigarettes.<sup>3</sup> Not surprisingly, 58 percent of 8<sup>th</sup> graders and 80 percent of 10<sup>th</sup> graders say that cigarettes are fairly or very easy to get.<sup>4</sup>

Efforts to reduce illegal cigarette sales to kids can have a direct impact on roughly three-quarters or more of all cigarettes smoked by kids. Besides those youth who buy directly, about 25 percent of kids report that they usually give money to other kids or adults to buy for them, and a third or more usually borrow their cigarettes from others (typically from kids who buy them directly). In addition, the heaviest and most regular youth smokers are the most likely to buy cigarettes directly from stores, and to supply cigarettes to other youths.<sup>5</sup>

### **Enforcement of Youth Access Laws Reduces Tobacco Sales to Minors**

Studies show that effectively enforcing laws against cigarette sales to kids through regular compliance checks and penalizing retailers that sell to kids can significantly reduce youth smoking.<sup>6</sup> In contrast, voluntary retailer compliance programs, such as those promoted by the big cigarette companies, do not.<sup>7</sup>

- A study published in the *Annals of Family Medicine* found that youth who perceived cigarettes as relatively easy to get were more likely<sup>8</sup> to become regular smokers than those who perceived cigarettes as more difficult to obtain.
- A Canadian study examining tobacco retailers surrounding schools found that retailer density is linked to youth access. It concluded that selective enforcement of youth access laws in retail outlets close to schools may help prevent underage youth from smoking.<sup>9</sup>
- A study done in Chicago in 2006 found that tobacco retailers were disproportionately located in areas with lower social and economic levels. It also found that youths in areas with a higher density of tobacco retailers were 13 percent more likely to have smoked in the past month than youths living in areas with lower tobacco retail density. This suggests that reductions in retail tobacco outlet density may reduce rates of youth smoking.<sup>10</sup>
- A 2004 study conducted in California contrasted youth manipulative behavior with retailer behavior in contributing to underage tobacco sales. The results showed that retailer behavior was the strongest predictor of cigarettes sales to youth and reiterated the need for intervention with retailers.<sup>11</sup>
- By analyzing FDA compliance checks across the country, a 2003 study found that state policies significantly affect the sale of tobacco products to minors. Stores located in states with fewer/weaker compliance policy measures were 36 percent more likely to illegally sell tobacco to minors than stores located in states with more effective measures.<sup>12</sup>

- A study of 14 Minnesota communities in the *American Journal of Public Health* showed that an intervention involving local ordinances and enforcement to limit youth access to tobacco significantly reduced adolescent smoking rates.<sup>13</sup>
- A 1997 study analyzing youth access policies, compliance, and enforcement concluded that aggressive and comprehensive approaches to limiting youth access will lead to significant reductions in youth smoking.<sup>14</sup>
- A *Journal of American Medical Association* study found that a comprehensive youth access program in Woodridge, Illinois, reduced sales to minors from 70 percent to less than 5 percent in a year and a half, while reducing tobacco use among youth by over 50 percent.<sup>15</sup>
- Comprehensive tobacco prevention programs in California and Massachusetts that included strong enforcement of youth access laws substantially reduced illegal sales to minors. In California, the proportion of retailers who failed compliance checks for selling tobacco products to minors decreased from 52 percent in 1994 to 21.7 percent in 1997.<sup>16</sup> In Massachusetts, illegal retailer sales dropped from 48 to eight percent.<sup>17</sup> After Massachusetts slashed its tobacco control funding and sharply curtailed its periodic retailer compliance checks, however, the average rate of illegal sales to minors in that state more than tripled.<sup>18</sup>

### **Cigarette Company Voluntary Youth Access Programs Do Not Work**

To block the rigorous enforcement of effective federal, state, or local laws to prevent illegal sales of tobacco products to youth, the tobacco industry regularly claims that its own voluntary “anti-youth-access” programs will adequately protect against such sales to kids. But those voluntary programs are inherently flawed, have never been implemented effectively, and have never functioned properly to reduce youth access to tobacco products or stop illegal cigarette sales to kids.<sup>19</sup> For example, one study found that tobacco product retail stores with “We Card” signs had average youth sales rates roughly equal to those stores with no signs at all, and were significantly more likely to make illegal sales to minors than those retail outlets with government-sponsored signs about no tobacco product sales to youths.<sup>20</sup>

### **Key Elements of an Enforcement Program**

Based on solid research findings, state attorneys general and other experts have recommended that any effort to reduce youth access to tobacco products include the following key elements:

- Designating an agency with clear responsibility for enforcement
- Providing adequate, guaranteed funding for enforcement
- Making frequent and realistic compliance checks, with a goal of sustained 95 percent compliance
- Meaningful penalties including graduated fines and ultimately, prohibiting sales of tobacco products
- No preemption of local ordinances
- Education and awareness efforts for merchants and the public.<sup>21</sup>

***Campaign for Tobacco-Free Kids, November 11, 2010 / Jessica Guilfoyle***

More information is available at [http://www.tobaccofreekids.org/facts\\_issues/fact\\_sheets/toll/tobacco\\_kids/harms/](http://www.tobaccofreekids.org/facts_issues/fact_sheets/toll/tobacco_kids/harms/) and [http://www.tobaccofreekids.org/facts\\_issues/fact\\_sheets/policies/prevention\\_us\\_state/save\\_lives\\_money/](http://www.tobaccofreekids.org/facts_issues/fact_sheets/policies/prevention_us_state/save_lives_money/).

<sup>1</sup> DiFranza, J & Librett, J, “State and Federal Revenues from Tobacco Consumed by Minors,” *American Journal of Public Health* 89(7):1106-1108, July 1999; Cummings, M, et al., “The Illegal Sale of Cigarettes to US Minors: Estimates by State,” *American Journal of Public Health* 84:300-302, 1994.

<sup>2</sup> U.S. Centers for Disease Control & Prevention (CDC), “Youth Risk Behavior Surveillance, United States, 2009,” *Morbidity and Mortality Weekly Report (MMWR)* 59(SS-5), June 4, 2010, <http://www.cdc.gov/mmwr/PDF/ss/ss5905.pdf>.

<sup>3</sup> CDC, “Youth Risk Behavior Surveillance – United States, 2005,” *MMWR* 55(SS-5), July 9, 2006, <http://www.cdc.gov/mmwr/PDF/ss/ss5505.pdf>.

- <sup>4</sup> Johnson, LD, et al., *Decline in Daily Smoking by Younger Teens Has Ended*, December 21, 2006, Ann Arbor, MI: University of Michigan.
- <sup>5</sup> CDC, "Youth Risk Behavior Surveillance – United States, 1999," *MMWR* 49(SS-5), July 9, 2000; CDC, "Youth Risk Behavior Surveillance – United States, 1997," *MMWR* 47(SS-3), August 14, 1998, and underlying data. See also, Campaign for Tobacco-Free Kids Factsheet, *Where Do Youth Smokers Get Their Cigarettes*, <http://tobaccofreekids.org/research/factsheets/pdf/0073.pdf>.
- <sup>6</sup> See, e.g., Stead, L & Lancaster, T, "Interventions for preventing tobacco sales to minors," *Cochrane Database of Systematic Reviews* (1), January 25, 2005 [update of prior research review]. Stead, L & Lancaster, T, "A Systematic Review of Interventions for Preventing Tobacco Sales to Minors," *Tobacco Control* 9:169-176, 2000 [a review of the research to date].
- <sup>7</sup> See, e.g., Cowling, D & Robbins, D, "Rates of Illegal Tobacco Sales to Minors Varies by Sign Type in California," *American Journal of Public Health*, 90(11):1792-93, November 2000. Stead & Lancaster, 2000; DiFranza, JR, et al., "Youth Access to Tobacco: the Effects of Age, Gender, and 'It's the Law' Programs," *American Journal of Public Health* 86(2):221-24, February 1996; Feighery, E, et al., "The Effects of Combining Education and Enforcement to Reduce Tobacco Sales to Minors," *Journal of the American Medical Association* 266(22):3168-3171, December 11, 1991; Campaign for Tobacco-Free Kids Factsheet, *A Long History of Empty Promises: The Cigarette Companies' Youth Anti-Smoking Programs*, <http://tobaccofreekids.org/research/factsheets/pdf/0010.pdf>.
- <sup>8</sup> Doubeni, C, et al., "Perceived Accessibility as a Predictor of Youth Smoking," *Annals of Family Medicine* 16(1):137-45, July/August 2008.
- <sup>9</sup> Leatherdale, ST & Strath, JM, "Tobacco Retailer Density Surrounding Schools and Cigarette Access Behaviors Among Underage Smoking Students," *Annals of Behavioral Medicine* 33(1):105-111, 2007.
- <sup>10</sup> Novak, SP, et al., "Retail Tobacco Outlet Density and Youth Cigarette Smoking: A Propensity-Modeling Approach," *American Journal of Public Health* 96(4):670-676, April 2006.
- <sup>11</sup> Klondoff, A & Landrine, H, "Predicting youth access to tobacco: the role of youth versus store-clerk behavior and issues of ecological validity," *Health Psychology* 23(5):517-524, September 2004.
- <sup>12</sup> Gray, B & Chaloupka, FJ, "State Policies and Community Characteristics Affect Tobacco Sales to Minors? An Analysis of over 100,000 FDA Compliance Check," *Policy Forum* 16(1), 2003.
- <sup>13</sup> Forster, J, et al., "The Effects of Community Policies to Reduce Youth Access to Tobacco," *American Journal of Public Health* 88:1193-1198, 1998.
- <sup>14</sup> Chaloupka, F, Paper presented at 3<sup>rd</sup> Biennial Pacific Rim Allied Economic Organizations Conference, Bangkok, Thailand, January, 14, 1997.
- <sup>15</sup> Jason, LA, et al., "Active Enforcement of Cigarette Control Laws in the Prevention of Cigarette Sales to Minors," *Journal of the American Medical Association* 266(22):3159-3161, December 11, 1991.
- <sup>16</sup> California Department of Health Services, Tobacco Control Section, *California's Tobacco Control Program: Preventing Tobacco Related Disease and Death*, April 3, 1998.
- <sup>17</sup> Abt Associates, Inc., *Independent Evaluation of the Massachusetts Tobacco Control Program: Fourth Annual Report, January 1994 to June 1997*, 1998. See, also, Rigotti NA, et al. "The Effect of Enforcing Tobacco-Sales Laws on Adolescents' Access to Tobacco and Smoking Behavior," *The New England Journal of Medicine* 337(15):1044-1051, October 9, 1997.
- <sup>18</sup> Sbarra, C, Massachusetts Association of Health Boards, Abstract, March 2004. <http://www.mahb.org/tobacco/sales%20to%20minors%20study%20abstract.pdf>
- <sup>19</sup> See also Campaign for Tobacco-Free Kids Factsheet, *Cigarette Company Youth Access Initiatives: Fake and Ineffective*, <http://www.tobaccofreekids.org/research/factsheets/pdf/0285.pdf>.
- <sup>20</sup> Cowling, D & Robbins, D, "Rates of Illegal Tobacco Sales to Minors Varies by Sign Type in California," *American Journal of Public Health* 90(11):1792-93, November 2000.
- <sup>21</sup> Stead & Lancaster, *Cochrane Database of Systematic Reviews* (1), January 25, 2005. Stead, L & Lancaster, T, "A Systematic Review of Interventions for Preventing Tobacco Sales to Minors," *Tobacco Control* 9:169-176, 2000 [a review of the research to date]. DiFranza, JR, "Are the Federal and State Governments Complying With the Synar Amendment?," *Archives of Pediatrics & Adolescent Medicine* 153(10):1089-1097, October 1999 ["All of the studies that have demonstrated a decreased availability of tobacco to minors, as evidenced by a reduced prevalence of tobacco use, have achieved violation rates below 10%."]. Levy, D, et al., "Expert Opinions on Optimal Enforcement of Minimum Purchase Age Laws for Tobacco," *Journal of Public Health Management & Practice* 6(3):107-114, May 2000.