

**Enforcement  
Of  
TOBACCO  
~~eighteen~~ twenty-one**

Kevin D. Everett, PhD  
**Director, Tobacco Control Research Center**  
Family & Community Medicine  
University of Missouri

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# TOBACCO ~~eighteen~~ twenty-one



## 160+ Cities in 12 States

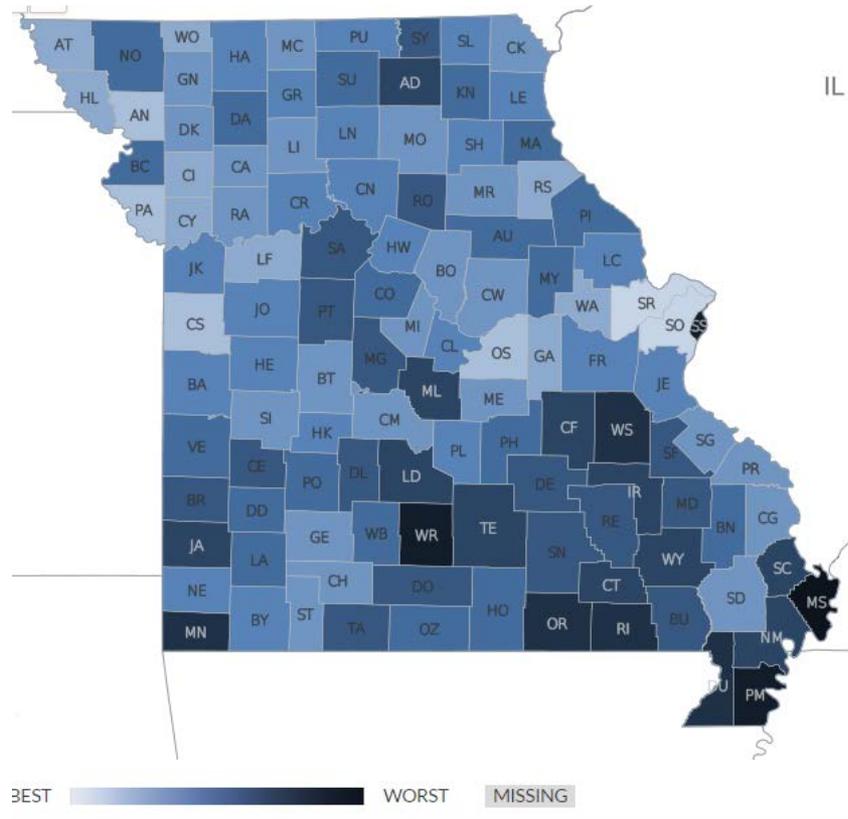


**Populations Covered by Current T21 Policies in Missouri:**

Columbia, MO: 115,276  
 Kansas City, MO: 470,800  
 Independence, MO: 117,494  
 Gladstone, MO: 25,410  
 Grandview, MO: 25,290  
**TOTAL: 754,270**

# Smoking Rates

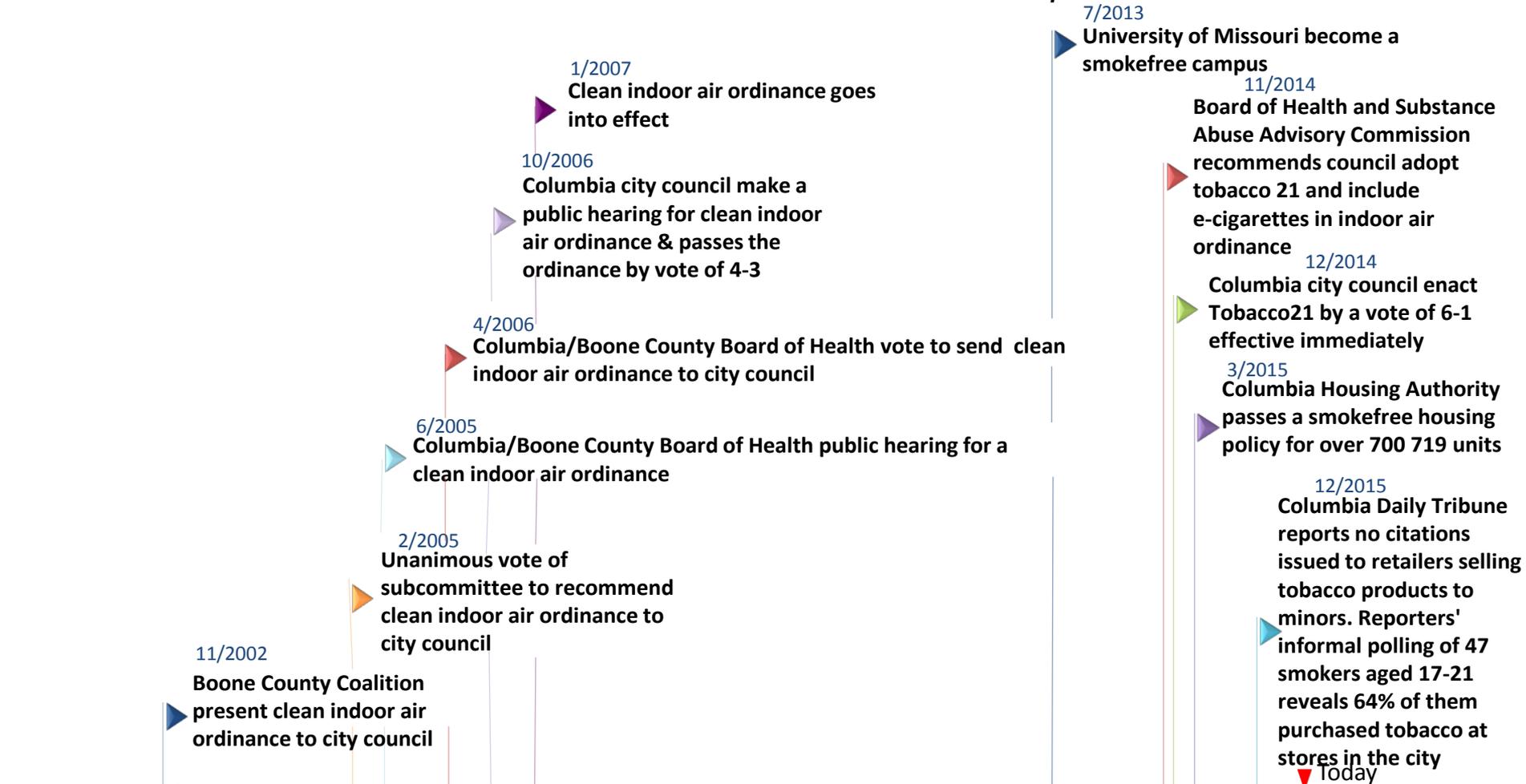
- **Boone County**
  - 2003: 31% (BRFSS)
  - 2014: 20.0% (BRFSS)
- **Missouri**
  - 2003: 27% (BRFSS)
  - 2014: 21% (BRFSS)
- **US**
  - 2003: 21.6% (BRFSS)
  - 2014: 16.8% (BRFSS)



Top Performing Counties = 14% or <

<http://www.countyhealthrankings.org/app/missouri/2016/rankings/boone/county>

# TOBACCO PREVENTION EFFORTS IN COLUMBIA, MO



Prevalence rates

Year	Prevalence Rate	Source
2003	21.6%	US (BRFSS)
2007	19.8%	US (BRFSS)
2011	23.1%	Missouri (CO level)
2012	18.1%	US (NHIS)
2012	18%	Boone County (CO. level)
2014	16.8%	US (NHIS)
2014	20.6%	Missouri (BRFSS)
2014	20%	Boone county (CO. level)

2002  
2004  
2006  
2008  
2010  
2012  
2014  
2016  
2017

# Current Laws

\*When a retailer in Columbia city limits sells to minors 18-21, they are in violation of the City of Columbia ordinance.

\*When a retailer sells to minors under 18, they are in violation of the City of Columbia ordinance AND FDA regulations.

# FDA Law and Penalties

FDA Violations—It is unlawful for any and all retailers to sell tobacco products, paraphernalia, and substances containing nicotine to minors under the age of 18 according to The Family Smoking Prevention and Tobacco Control Act of 2009.

## Civil Money Penalties

FDA Violations	FDA Civil Money Penalty
One	Warning Letter
Two within 12 months	\$250
Three within 24 months	\$500
Four within 24 months	\$2,000
Five within 3 year period	\$5,000
Six or more within 4 years	\$11,000

## No Tobacco Sale-Order (NTSO)

<i>5 violations within 3 years</i>	<i>NTSO penalty</i>
<b>1<sup>st</sup> violation</b>	30 day NTSO ban
<b>2<sup>nd</sup> violation</b>	6 month NTSO ban
<b>3<sup>rd</sup> violation</b>	Indefinite NTSO ban



# Columbia Law and Penalty

In addition to FDA regulations the Columbia Police Department enforces the city ordinance.

It shall be unlawful for any person to sell tobacco products or tobacco product paraphernalia, alternative nicotine products or vapor products to a minor, any person under the age of 21 years.

If found in violation of the City of Columbia ordinance, retailers currently face the following penalties:

<b>Violations within 24 months</b>	<b>Fines</b>	<b>TCLC Best Practice</b>
1 <sup>st</sup> violation	\$100	\$300
2 <sup>nd</sup> violation	\$250	\$600
3 <sup>rd</sup> violation	\$500	\$1,000
4 <sup>th</sup> and any additional	\$1,000	\$1,000+

# Tobacco 21: One year later, city has issued no citations

**Columbia Daily Tribune**

**By CAITLIN CAMPBELL and ALAN BURDZIAK**

Sunday, December 20, 2015 at 12:00 am

...“Rebecca, 18, who declined to give her last name, said she has never had a problem buying cigarettes in town because one retailer has continued to sell to her despite the new regulations. Rebecca said she has been smoking since she was 16 and that the ordinance had not deterred her or her friends...

...Columbia police have issued no citations related to the law, and the Columbia Municipal Court has had no infractions filed related to the ordinance.

# Tobacco Control Legal Consortium(TCLC)

## Best Practice Enforcement

[County/municipality] or its authorized designee may conduct random, unannounced inspections at locations where tobacco products are distributed to test and ensure compliance with this ordinance.

An enforcement section empowers your county or municipality to inspect distributors for compliance.

It may be helpful to grant enforcement authority to multiple agencies, such as law enforcement agencies, the health department, and the local agency that enforces general business licensing laws.

This can help ensure that youth can be used to test for compliance. It may also result in compliance checks of stores without a tobacco retailer license.

# FDA (Synar) Compliance Checks

	<b>In Violation</b>	<b>No Violations</b>	<b>Warnings</b>	<b>Penalties</b>	<b>No-Sale Order</b>
Columbia Pre-T21	10.9%	89.1%	7.7%	3.2%	0%
Columbia Post-T21	7.8%	92.2%	5.7%	1.8%	.35% (1)
Missouri Pre-T21	17.4%	82.6%	13.7%	3.7%	0%
Missouri Post-T21	17.7%	82.3%	12.0%	5.7%	.03% (1)

# Research: Impact of Enforcement Strategies

Prohibiting juvenile access to tobacco: Violation rates, cigarette sales, and youth smoking



Andrew L. Spivak<sup>a,\*</sup>, Shannon M. Monnat<sup>b</sup>

<sup>a</sup>University of Nevada, Las Vegas, United States

<sup>b</sup>The Pennsylvania State University, United States

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## ABSTRACT

*Background:* Scholars who examine the efficacy of juvenile tobacco sales restrictions, especially the 1992 “Synar Amendment” that led all of fifty U.S. states to enact prohibitions on tobacco sales to minors, are notably divided as to impact on youth smoking. Some researchers claim that such policies have failed and ought to be abandoned (Craig & Boris, 2007; Etter, 2006; Glantz, 2002), while others insist that enforcement has indeed led to reduced tobacco use (DiFranza, 2011b; SAMHSA, 2011). The present study is the first to combine data on Synar violation rates from all states and years available since the amendment’s implementation, assessing the connection to national rates of cigarette sales and youth smoking behavior.

*Methods:* Using national data from the United States Substance Abuse and Mental Health Services Administration, the Tobacco Institute, and the Centers for Disease Control’s Youth Risk Behavior Surveillance System across all U.S. states between 1996 and 2007, we employ hierarchical linear modeling to examine the connection between retailer Synar violations and youth smoking.

*Results:* Controlling for state-level demographic variables, results indicate that retailer violation rates are significantly associated with greater youth smoking prevalence, as well as higher overall cigarette sales.

*Conclusion:* While critiques of Synar policies are substantive and should be addressed, laws prohibiting the sale of tobacco to juveniles appear to have had some degree of success.

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# Tobacco Retail Licensing (TRL):

- A specified license to sell tobacco products.
- An enforcement mechanism to ensure that retailers comply with laws.
- The ability to fine, suspend or revoke license if a retailer is violating local, state or federal laws.
- An annual renewal process for all tobacco retailers

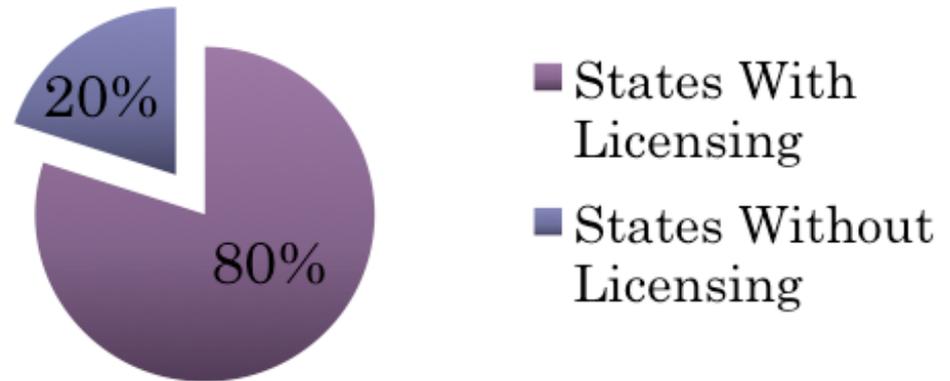
# Why Does Columbia need a TRL Columbia?

Having a TRL is a critical factor for improving enforcement.

Most states require a TRL. Missouri is one of 10 states that does not require licensing at the state level.

Jefferson City and Kansas City are issuing TRL.

## Retail Licensing





# Why does Columbia need TRL

- Retailers currently rely on a general business license to allow for sale of the product
  - Require all tobacco retailers to obtain a license and renew it annually
- Enforcement mechanism for non-compliance retailers
  - Provide that violation of any federal, state or local tobacco control law is also a violation of the license
- Allows for tracking of retailers for evaluation purposes
  - Tobacco use, prevention, education of community and retailers
- Allows for regulation of tobacco outlet density
  - Such as limit proximity from schools

# Why does Columbia need TRL

- TRL is used to reduce tobacco caused health disparities by addressing the inequity of tobacco product sales targeting low-socioeconomic, minority, and youth populations.

Reference: License to Kill?: Tobacco Retailer Licensing as an Effective Enforcement Tool; pages 8-10 (<http://publichealthlawcenter.org/sites/default/files/resources/tclc-syn-retailer-2010.pdf>)



# Recommendations

- Require a Tobacco Retail License for all tobacco retailers in Columbia, MO.
- A TRL should include that a violation of the city, state or federal law retailers face penalties.
- Create a more stringent fee structure for those violating license.
- Mandatory re-inspection fee for those found in violation of the TRL.
- Engage in best practices for enforcement (systematic education and compliance checks)