

From a Community Partnership to Federal Legislation

By Lenny Jason

For a number of years I have been interested in developing strategies to decrease the incidence of smoking by children, of whom about 4,000 begin the habit each day. In 1988, I switched my attention to the merchants and store owners who sell cigarettes to minors even though this transaction is against the law. If our community's merchants openly sell cigarettes to minors, then they are sending our youth the insidious message that it is really acceptable for children to be smoking. Giving children easy access to cigarettes is reprehensible, particularly since smoking accounts for more than a quarter of a million deaths in this country annually. In my study, I found that about 80 percent of the stores in the Chicagoland area that sold cigarettes did sell cigarettes to minors. These findings were extensively publicized by the media in the Chicago area. The state law prohibiting such sales was not effective, because a police officer first would have to observe a minor purchasing cigarettes, and then would need to take the store owner to the police station to process the complaint. An actual trial would then ensue, a time-intensive process for the police officer. It is not surprising that police officers rarely would take this type of action for this kind of offense.

Officer Talbot of Woodridge, a suburb of Chicago, contacted me after my study had been publicized. He said that the Chief of Police had addressed this problem in his community by sending a letter to all merchants informing them that cigarettes were not to be sold to minors. I told the Officer that, based on my experience, this letter would probably not change the merchants' behavior. We decided to work together to investigate the problem and its possible solutions. Over the next two years, we sent several minors on a regular basis into all the community's stores to assess the extent to which cigarettes were sold to minors. When we found that 70 percent of the stores sold to minors during our baseline sessions, we began developing legislation to attack this problem. Here are more details on the study.

As I mentioned earlier, the police first sent a letter to all merchants explaining the Illinois law prohibiting cigarette sales to minors under 18. Then we took three samples, with minors recruited from the town sent into all stores to purchase cigarettes. In August, 1988, 70 percent of the community's stores sold cigarettes to these minors. In November, 1988, the sales rate was 60 percent. In February, 1989, the sales rate was 79 percent.

Working with these data, Officer Talbot and I helped draft Woodridge's tobacco licensing and enforcement law, passed on May 1, 1989. Each merchant now needed to obtain a license to sell cigarettes. This feature of the law had several benefits. First, the money gained could be used to monitor repeatedly whether the stores were in compliance with the law. Second, the store owners were informed that, if they were found violating the law a second time, their license to sell cigarettes would be suspended, resulting in a significant loss of income. In addition, all vending machines would need to be outfitted with a special lock, which could be opened only by an employee by pushing a button in view of the purchaser. In this way, minors would no longer have open access to cigarette machines. If store employees did sell cigarettes to minors, then they would be ticketed, but they would have no recourse to court appearances. In addition, notes from the minor's parent saying the purchase was for an adult would not be considered valid in the city, and the city law would take precedence over the state law that allowed for the acceptance of such notes.

In June, 1989, we found that 33 percent of these stores sold to minors. According to Woodridge's law, first offense warnings were issued to these stores. The remaining stores that refused to sell cigarettes to the minors received police letters thanking them for refusing to sell. We sampled again in August, 1989, and 36 percent of the stores sold to minors. Half of these stores were repeat offenders from June. Those offenders received a one-day cigarette license suspension and a \$400 fine. No merchant contested the

penalty. The first-offense stores were issued first-offense warnings. The rest of the stores received the police thank-you letter. In November, 1989, and January, 1990, we again sampled. None of the stores sold to minors.

The significant finding is that we found less than 5% of merchants sold cigarettes to minors in Woodridge after passage and enforcement of the sales enforcement and vendor licensing provisions. Pre-sampling education and awareness efforts (in the form of the police department's informative letter) were ineffective. Woodridge is the first community in the nation to document sustained reductions in illegal cigarette sales to minors as a result of legislation and enforcement. During all phases of the study, from the beginning to the end, I met with Officer Talbot and other police personnel to develop each step of this collaborative project. When baseline data indicated high levels of sales, that information was used to gain support for the legislation. After passage of the legislation, continued sampling indicated that the problem, although reduced, was still evident. These data helped convince our team of the need for continuous monitoring and feedback to the merchants. Of greatest importance, two years after passage of this legislation, cigarette smoking among youth in Woodridge had been reduced by more than 50 percent (Jason et al., 1991). In other words, when access to cigarettes grew more difficult, fewer youth began experimenting with these dangerous substances.

Since passage of the legislation, we have been approached by dozens of surrounding communities interested in initiating similar campaigns. In addition, congressional hearings concerning cigarette sales to minors were convened in 1990, and Officer Talbot presented our study at these hearings. In the spring of 1990, Health and Human Services Secretary Sullivan proposed a national legislative initiative to reduce cigarette sales to minors. Many of the major features of this proposed legislation were adopted from the study conducted in Woodridge. In 1992, the Synar amendment was passed, and our work in Woodridge was used as a model that states around the country could follow in solving this problem. In addition, Officer Talbot became a national authority on this topic, and has continued to consult with federal organizations and cities throughout the United States on ways of helping them reduce illegal sales of cigarettes to minors.

A study by Joe DiFranza et al. (2009) found that because of the Synar Amendment and state efforts to reduce youth access to tobacco, there has been a 21 percent drop in the odds of tenth graders becoming daily smokers. There is now a global consensus that sales to minors should be prevented, which is illustrated by the Framework Convention on Tobacco Control (2003). This Framework was unanimously adopted by the World Health Assembly and has since attracted more than 172 member states, representing almost 90 percent of the world's population.

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DiFranza, J. R., Savageau, J. A. & Fletcher, K. E. (2009). Enforcement of underage sales laws as a predictor of daily smoking among adolescents: A national study. *BMC Public Health*, 9, 107-113.