



## **YOUTH PURCHASE, USE, OR POSSESSION LAWS ARE NOT EFFECTIVE TOBACCO PREVENTION**

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Youth purchase, use, or possession (PUP) laws are not an effective approach to reducing youth tobacco use and inappropriately shift the blame for underage tobacco use from the tobacco industry and retailers, to young people. PUP laws also present enforcement challenges.

### **PUP Laws Inappropriately Shift the Blame Away from the Tobacco Industry and Retailers to Kids**

- PUP laws unfairly punish and stigmatize children, many of whom became addicted at a young age as a result of the tobacco industry's aggressive marketing to kids. In this way, PUP laws shift the blame away from the industry's irresponsible marketing, to its victims. PUP laws also minimize the responsibility of the retailer.
- Penalizing children is not an effective strategy for reducing youth smoking; and some experts argue that PUP laws could actually detract from more effective enforcement measures and tobacco control efforts.<sup>1</sup>
- Tobacco companies and their allies have a history of supporting PUP laws as alternatives to other laws that would produce greater declines in youth smoking.
- Many youth smokers are addicted, making it difficult for them to quit, and some research suggests that penalizing youth could deter them from seeking support for cessation.<sup>2</sup> Promoting interventions that provide cessation resources for youth interested in quitting could be a more beneficial alternative.

### **Youth Access Laws Should Emphasize Restricting Sales to Minors**

- Youth access laws successfully reduce youth tobacco use when they are well enforced to ensure a high rate of compliance.<sup>3</sup>
- Rather than treat children as the wrongdoers, youth access laws should focus on limiting access to tobacco products. Rigorous enforcement of restrictions against sales to minors is critical to minimizing the accessibility of tobacco products and, ultimately, reducing youth tobacco use. The most successful youth access programs incorporate routine retailer compliance checks which use minors to attempt tobacco purchases.

### **Purchase, Use, and Possession Laws May Pose Enforcement Challenges**

- Penalizing youth can divert enforcement officials' attention from stopping retailers from illegally selling tobacco to kids in the first place.
- PUP laws are more difficult to systematically enforce than sanctions against retailers. It is easier and more effective to conduct compliance checks for retailers, who are fewer in number compared to youth and whose locations are both known and constant.<sup>4</sup>
- The ease of discretely possessing and using some tobacco products makes PUP laws more challenging to enforce than laws restricting sales to minors.
- There is little evidence showing that PUP laws have been enforced well enough to reduce youth smoking.<sup>5</sup>

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*Campaign for Tobacco-Free Kids, September 20, 2018 / Laura Bach*

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<sup>1</sup> Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," *Tobacco Control*, 12(Suppl I):i6-i13, 2003; Jason, LA, et al., "Youth Tobacco Sales-to-Minors and Possession-Use-Purchase Laws: A Public Health Controversy," *J Drug Education*, 35(4):275-290, 2005.

<sup>2</sup> Hrywna, M, et al., "Content Analysis and Key Informant Interviews to Examine Community Response to the Purchase, Possession, and/or Use of Tobacco by Minors," *J Comm Health*, 29(3):209-216, 2004; Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," *Tobacco Control*, 12(Suppl I):i6-i13, 2003; Loukas, A, et al., "Examining the Perspectives of Texas Minors Cited for Possession of Tobacco," *Health Promotion Practice*, 7(2):197-205, 2006.

<sup>3</sup> DiFranza, JR, "Which interventions against the sale of tobacco to minors can be expected to reduce smoking?" *Tobacco Control*, doi:10.1136/tobaccocontrol-2011-050145, published online first October 12, 2011

<sup>4</sup> Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," *Tobacco Control*, 12(Suppl I):i6-i13, 2003.

<sup>5</sup> Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," *Tobacco Control*, 12(Suppl I):i6-i13, 2003.