



Carver-Scott Statewide Health Improvement Program

Findings from the restricting youth access to tobacco intervention

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tobacco intervention*

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Background

The goal of the Minnesota Statewide Health Improvement Program (SHIP) is to help Minnesotans live longer, healthier, better lives by preventing risk factors (tobacco use and exposure, poor nutrition, and physical inactivity) that lead to chronic disease. SHIP aims to create sustainable, systemic changes that make it easier for Minnesotans to choose healthy behaviors.

Together, Carver and Scott Counties were awarded a SHIP grant in 2009 to assess the degree to which existing policies, resources, and environmental assets are in place to support healthy living and employ evidence-based strategies to make policy, systems, and environmental change in four sectors: schools, communities, worksites, and health care systems. This report highlights efforts made through SHIP to assess the tobacco compliance check ordinances from local jurisdictions throughout both Counties and summarizes efforts made to encourage communities to incorporate language from the Tobacco Modernization and Compliance Act into their local ordinances.

Tobacco compliance checks in Carver and Scott Counties

As part of the SHIP initiative, the Minnesota Department of Health (MDH) provided all grantees with a menu of intervention options that were identified as effective ways to reduce obesity, tobacco use, and other risk factors contributing to chronic disease. Carver-Scott SHIP contracted with Wilder Research to conduct a needs and feasibility assessment to help guide the selection of interventions in each sector. A review of 2007 Minnesota Student Survey (MSS) data indicated youth tobacco use is a concern in Carver and Scott Counties:

- **Nearly one in five 9th grade students reported using tobacco products during the past 30 days.** According to 2007 Minnesota Student Survey data, 20 percent of boys and 12 percent of girls in Carver County, as well as 16 percent of boys and 12 percent of girls in Scott County, reported using a tobacco product in the past 30 days.
- **Ninth grade students were more likely to get tobacco products from friends than by purchasing products from stores.** Over 60 percent of 9th grade students (61-68%) who used tobacco in the last 30 days got it from friends and many (26-42%) got others to buy it for them. Fewer students (8-29%) reported purchasing tobacco products from gas stations/convenience stores, and less than 10 percent of these youth reported using a fake ID.

Additional assessment activities

Guided by the data gathered through the initial assessment, Carver-Scott SHIP chose to partner with communities to support the implementation of policies that restrict youth access to tobacco, such as sales laws directed at tobacco retailers to reduce illegal sales to minors. However, a more comprehensive assessment was needed to understand how existing policies could be improved or better enforced. A subcommittee, comprised of Community Leadership Team (CLT) members with expertise in tobacco control and/or law enforcement, was convened to guide the assessment process and plan the intervention.

In Fall 2010, Wilder Research conducted a comprehensive review of tobacco compliance check ordinances and policies in Carver and Scott Counties. The assessment included reviews of the local ordinances of seven communities, Chaska, Jordan, New Prague, Prior Lake, Savage, Shakopee, and Waconia, as well as from Carver and Scott Counties. (Communities that do not have their own local ordinance follow the County policy.) Interviews were also completed with representatives from local city police departments and County Sheriff offices, covering all law enforcement jurisdictions across both Carver and Scott Counties. The assessment examined the degree to which the ordinances met the minimum standards established in Minnesota Statute (*Minn. Stat. § 461.12, subd. 5*), and practices used by local law enforcement departments when conducting the compliance checks. The assessment was also used to determine which, if any, jurisdictions had integrated language from the Tobacco Modernization and Compliance Act of 2010.

Key findings from this assessment included:

- **In most local jurisdictions, the fees and penalties established in local tobacco compliance check ordinances meet or exceed the minimum standards set in place through Minnesota Statute.** A number of communities have passed ordinances that lead to higher fines and longer sentences than established through State statute. However, ordinances from two communities (Chaska and Prior Lake) fell short of meeting the State standards, as they did not include both administrative fees and license suspensions for 3rd offense violations.
- **At the time of the assessment, no jurisdiction had incorporated new language from the Tobacco Compliance and Modernization Act into their local ordinances.** The Tobacco Compliance and Modernization Act was passed in 2010 and broadens the definition of “tobacco products” to include new dissolvable products that often appeal to teens. It also prohibits selling tobacco products, rolling papers, and pipes in open displays, except in adult-only tobacco stores. Although local counties and cities are responsible for enforcing the Act, many of the stakeholders interviewed during the assessment were not familiar with the legislation.

- **Over 90 percent of businesses in Carver and Scott Counties passed tobacco compliance checks during the past three years.** All but one jurisdiction (Jordan) provided information about their compliance check fail rates during the past three years. Combined, most businesses in the two counties passed tobacco compliance checks in 2009-10 (92%), 2008-09 (90%), and 2007-08 (93%).

- **Overall, law enforcement representatives felt their current tobacco compliance check processes were effective.** When asked to identify ways local compliance checks could be improved or enhanced, law enforcement representatives suggested finding ways to better coordinate teen buyers, develop consistent ordinances across communities, educate vendors on tobacco sales laws, and increase the frequency of compliance checks.

Tobacco compliance check intervention

Guided by the data gathered through the assessment of local tobacco compliance check ordinances, members of the tobacco compliance check subcommittee identified strategies that could be used to restrict youth access to tobacco. Overall, the assessment data demonstrated that most vendors who sold tobacco products did regularly pass compliance checks, indicating vendors and store clerks asking for youth IDs before selling tobacco products. However, members of the subcommittee were concerned that few cities were aware of the Tobacco Modernization and Compliance Act and local stakeholders may not be aware of some of the new tobacco products that can be ingested and sniffed, including a number of flavored products that may be particularly appealing to underage youth.

Intervention implementation

Key activities

Carver-Scott SHIP partnered with Wilder Research and the Association of Nonsmokers – Minnesota (ANSR) to present the results from the tobacco compliance check ordinance assessment, provide information about the Tobacco Modernization and Compliance Act, and show examples of new tobacco products (e.g., strips, orbs) now covered under the new legislation to local stakeholders in Carver and Scott Counties.

A total of 39 individuals, representing local law enforcement departments, county boards, State and local public health departments, and county attorney offices, attended one of the two presentations. All attendees received a packet of information at the presentation which included a copy of the assessment report completed by Wilder Research, a product fact sheet from ANSR, a tobacco modernization act fact sheet from the Public Health Law Center and model local policy language from the Public Health Law Center and the MN League of Cities. Samples of new tobacco products were passed around the room during the presentation, allowing attendees an opportunity to see examples of the new products being sold. Attendees were encouraged to be aware of the types of products being sold in their communities and encourage their city councils/county boards to adopt language from the Tobacco Modernization and Compliance Act into their local ordinances. Attendees were also given suggestions about ways local ordinances can be strengthened to further restrict youth access to tobacco products. Informational packets, including a cover letter and printed materials shared at the presentations, were also mailed by Carver-Scott SHIP staff to 128 local stakeholders, including law enforcement representatives, city council members, local mayors, and county commissioners, who were invited, but unable to attend the presentations.

Impact

Over 150 local stakeholders received information about new tobacco products being sold in their communities. Although participant evaluations were not administered at the end of the two presentations, anecdotal information suggests many of the attendees were not familiar with many of the new tobacco products. These products are often fruit flavored and packaged similarly to mints or gum, making them appealing to youth. These local stakeholders also received information about the Tobacco Modernization and Compliance Act.

Three communities adopted language from the Tobacco Modernization and Compliance Act into their local ordinances. Follow-up phone calls were made to the 11 counties and cities that had local tobacco compliance check ordinances in place to determine which, if any, adopted language from the Tobacco Compliance and Modernization Act into their local ordinances. At the time these calls were made in May 2011, three communities, New Prague, Shakopee, and Savage, had included the new definition of “tobacco products” into their local ordinances. It was not clear which, if any, of the other communities were considering adopting changes in the future.

Lessons learned

Overall, there was hesitation among some CLT members and County staff to pursue tobacco intervention strategies through SHIP that would further restrict tobacco use in buildings and outdoor areas. Although the CLT was interested in pursuing an intervention to reduce tobacco use across Carver and Scott Counties, there were concerns that restrictions of smoking behavior would appear heavy-handed and be opposed by some residents. The intervention option chosen by the CLT focused on restricting underage youth access to tobacco products, which was considered less controversial than other intervention options. Providing local stakeholders with model ordinance language made it easy for communities to adopt the new tobacco product definition into their existing ordinances, if they were interested in doing so.

Action items for Counties:

- Work with county board members, commissioners, and other local stakeholders to “lead by example” and adopt language from the Tobacco Modernization and Compliance Act into County tobacco compliance check ordinances.
- Provide resources (e.g., fact sheets, sample ordinance language) and connections to technical assistance resources (e.g., Minnesota Department of Health, Public Health Law Center) to support communities interested in changing local ordinances and policies.

- Continue supporting efforts of local communities to restrict tobacco use in public areas.

Although most vendors passed local tobacco compliance checks, MSS data suggests approximately 20 percent of youth use or have recently tried tobacco products.

Most of the youth who reported using tobacco in the past 30 days had gotten it from friends. This suggests that, while enforcing ordinances that ensure vendors do not sell tobacco products to minors is important, interventions that change the social acceptance of tobacco use among youth are also likely needed.

Action items for Counties:

- Review Minnesota Student Survey data regularly to assess changes in youth tobacco use and ways youth access tobacco products over time.
- Consider revitalizing strategies that reduce peer acceptance of tobacco products.

Many local stakeholders were unaware of the new types of tobacco products that appeal to underage youth. The intended audience for the intervention presentations included local stakeholders who were responsible for creating or enforcing local tobacco compliance check ordinances. However, their unfamiliarity with the new tobacco products shared during the presentation suggests other local residents, including parents of underage youth, may not be aware of these new products.

Action items for Counties:

- Consider presenting information about new tobacco products to parents or working in partnership with schools to share written information with parents.