

Study shows marked decline in retailer compliance after enactment of NYC's Tobacco 21 law

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In a study examining compliance with New York City's new law that raised the legal age for purchasing cigarettes to 21 years of age, researchers with New York University (NYU) and University of California, Los Angeles (UCLA) found that compliance with identification (ID) checks has significantly decreased since the law was made effective. Prior to the change in the law, 29% of retailers sampled were non-compliant. Following the change, a full 38% of retailers sampled did not ask for ID when selling cigarettes to young people. Researchers also examined new minimum price laws for cigarettes and found a similar pattern.

The research, *Retailer Compliance with Tobacco Control Laws in New York City Before and After Raising the Minimum Legal Purchase Age to 21*, published today in the journal, *Tobacco Control*, examines the effectiveness of the first law in the nation's largest city to increase the legal minimum age for purchase and possession of tobacco products from 18 to 21 following the city's minimum cigarette price law, both aimed at reduction of smoking rates, especially among youth. In May 2007, the Institute of Medicine recommended increasing the purchase age of tobacco to 21 (T21) but there has so far been little empirical evidence of the effectiveness of this policy recommendation.

In the first part of the data collection effort, field researchers purchased 421 packs of Marlboro Gold [cigarettes](#) at 92 bus and subway stops before the new law took effect in August 2014. Seven months later, after the change in the age was made effective, field researchers returned to the same areas and repeated the procedure. Compliance with ID checks had significantly declined, as had compliance with the minimum price law. Sales prices also declined significantly—by about 18 cents - the study found. Compliance with both laws was substantively lower in

independent stores as compared to chain stores.

"This study reveals a troubling pattern of non-compliance with ID check and minimum price laws among some retailers in New York City," said the study's lead author, Dr. Diana Silver, an associate professor of public health policy at NYU's College of Global Public Health. "Without serious attention to strengthening enforcement of its current laws, New York City will fail to realize the full potential of its efforts to reduce smoking," she added.

Researchers point to several potential reasons why effectiveness of the new law has been limited, including lack of awareness among retailers. The T21 law did not go into effect until nine months after its enactment, but retailers may still have been unaware of the change. In addition, researchers note that enforcement measures for retailer tobacco laws involve five distinct city and state agencies, all with unique protocols and no additional resources allocated for inspection, prosecution, and follow-up of those violating the new laws.

States are federally required to ensure that non-[compliance](#) with ID check laws is no higher than 20 percent. "While we recognize that our sample cannot be generalized to the city as a whole, the levels of noncompliance with ID check laws is especially troubling," said Dr. James Macinko, one of the study's authors. "In addition, sales below legal minimum prices present additional challenges for controlling access to cigarettes not just among youth, but among the entire city's population," he concluded.

"Harmonizing the age of purchase and possession of tobacco with alcohol is achievable, but we need better evidence about how such laws work together or at odds with one another. And better

enforcement of these laws is absolutely critical if we hope to achieve population level public health gains," said Dr. Silver.

More information: *Tobacco Control*,
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