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Evaluating the Comprehensiveness of Youth Access to Tobacco Legislation

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Introduction

The risk of smoking and second hand smoke is now well established. Scientific evidence of the dangers of smoking was clear as early as 1964 and had reached the point of scientific consensus by 1980 (Wood, 2006). With this scientific consensus came the beginning of state clean indoor air legislation at the state level during the 1980’s. This lead to state legislation restricting smoking in an effort to protect the public health.

States also moved to restrict access to tobacco by minors during this same period. Federal Legislation such as the Synar amendment required states to adopt and implement sales restrictions to minors or risk losing certain block grant funds.

The purpose of this study is to examine the comprehensiveness of state level youth access to tobacco control legislation in the United States and describe policy changes over time. Specifically, the differences between youth access to tobacco ratings since the signing of the Master Settlement Agreement (MSA) in 1998. The MSA was an agreement entered into by four of the largest tobacco manufacturers (Phillip Morris, R.J. Reynolds, Brown & Williamson, and Lorillard) and the Attorney Generals of 46 states.

Prior studies focused on the period between 1993 to 1999. This study looks at the time period 1993 to 2006 in an effort to describe changes over time and possible influences by the MSA. The differences between preemption (state laws prohibiting lower level jurisdictions from enacting more stringent laws than the state) and non-preemption will be a key point of emphasis in this study to determine if state restrictions impact local ordinances.

Methods

This study used secondary data analysis using state-level data compiled by the National Cancer Institute’s State Cancer Legislative Database between the years 1993 and 2006 for youth access to tobacco. Individual scores by year for all 50 states were used.

The data used in this study can be found at the National Cancer Institute’s State Cancer Legislative Database website (www.scll-nci.net).

Results

As Figure 1 illustrates, preemption has continued to increase, although gradually, since the Master Settlement Agreement was signed by State Attorney Generals of 46 states and the smoking industry in 1998. The mean youth access summary score has increased in variability over the 14-year period by approximately 9 points between 1993 and 2006. With preemption reduction applied to the summary score, the gain for the same time period is roughly 4.4 points.

Conclusions

The findings of this study are consistent with previous studies on state youth access to tobacco conducted in the 1990s. However, it is apparent from the results of this study that state legislation which preempts local tobacco regulation is continuing to impede state progress to meet health policies related to youth access to tobacco products. The margin between preemption and non-preemption has grown since the signing of the Master Settlement Agreement. This appears to indicate more lobbying by the tobacco industry at the state level to preempt local tobacco control laws. Further study is needed to confirm.

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