



Minors' Access to Tobacco

Fact Sheet

- It is illegal in all states to sell cigarettes to persons under age 18. Progress has been made in the past several years in reducing the percentage of retailers willing to sell tobacco to minors.¹
- In 1991 an estimated 225 million packs of cigarettes were sold illegally to minors, and in 1997 daily smokers aged 12 to 17 years smoked approximately 924 million packs of cigarettes.¹
- An estimated 20% to 70% of teenagers who smoke report purchasing their own tobacco; the proportion varies by age, social class, amount smoked, and factors related to availability.¹
- The CDC's 1999 Youth Risk Behavior Surveillance (YRBS) survey found that among grade 9-12 students who smoked, 23.5% purchased their tobacco products from a store or gas station. However, there is growing evidence that many of the cigarettes these students obtain from other students were originally illegally sold to minors.²
- According to the 1999 YRBS survey, about two-thirds of students (69.6%) who purchased or tried to purchase cigarettes during the past month in a store or gas station were not asked to show proof of age. African American male students (19.8%) were significantly less likely to be asked to show proof of age than white (36.6%) and Hispanic (53.5%) male students.²
- The 1999 Monitoring the Future Survey found that about 72% of 8th-grade students and 88% of 10th-grade students believe they can get cigarettes "fairly easily" or "very easily" if they wanted to purchase them.³
- Since 1996, the accessibility of cigarettes among 8th-grade students has been falling, which may be an indicator that federal and state government tobacco prevention efforts are starting to have an effect.³
- More than two-thirds of states restrict cigarette vending machines, but many of these restrictions are weak. Only two states (Idaho and Vermont) have total bans on vending machines.¹
- Results from nine published studies found illegal vending machine sales to minors ranged from 82% to 100% between 1989 and 1992.¹
- More than 290 local jurisdictions, including New York City, successfully adopted and enforced outright bans on cigarette vending machines or restricted them to locations such as taverns and adult clubs where minors often are denied entry.¹
- Almost two-thirds of the states and many local jurisdictions require retailers to display signs that state the minimum age for purchase of tobacco products. Some regulations specify the size, wording, and location of these signs.¹
- All states have a specific restriction on the distribution of free tobacco samples to minors, and a few states or local jurisdictions prohibit free distribution altogether because of the difficulty of controlling who receives free samples.¹
- Several studies have found that single or loose cigarettes are sold in some locations. Such sales often are prohibited by state or local law, given single cigarettes do not display the required state tax stamp or federal health warning.¹
- Other regulations specify a minimum age for salespersons. These regulations recognize the difficulty young salespersons may have in refusing to sell cigarettes to their peers.¹
- Many state or local laws specify penalties only for the salesperson. However, applying penalties to business owners, who generally set hiring, training, supervising, and selling policies, is considered essential to preventing the sale of tobacco to minors.¹
- License suspensions or revocations imposed as penalties for repeated violation of youth access laws would communicate a clear message that illegal tobacco sales to minors should never be accepted or tolerated. Revenues from fines could be used for enforcement and retailer education programs.¹
- Numerous studies have shown that comprehensive merchant education and training programs help reduce illegal sales to minors.¹

- Growing number of states and local jurisdictions are imposing sanctions against minors who purchase, attempt to purchase, or possess tobacco products. Although these laws are a potential deterrent, some tobacco control advocates believe such laws deflect responsibility from retailers to underage youth.¹
- In 1992 the Synar Amendment (Public Law 102-321), was passed to curb the illegal sale of tobacco products to minors. An amended Synar Regulation, was issued by the Substance Abuse and Mental Health Services Administration in January 1996, and requires each state receiving federal grant money to conduct annual random, unannounced inspections of retail tobacco outlets to assess the extent of sales to minors. In 1999, seven states and the District of Columbia failed to attain their Synar Amendment targets. Failure to comply with the law puts states at risk of forfeiting federal block grant funds for substance abuse prevention and treatment services.¹
- In 1996, the Food and Drug Administration issued a regulation prohibiting the sale of tobacco products to persons under the age of 18 years and requiring that all persons under the age of 27 years show a photograph identification to purchase cigarettes or smokeless tobacco. The regulation also banned cigarette vending machines and self-service displays, except in certain venues for adults only (e.g., bars and nightclubs).
- On March 21, 2000, the United States Supreme Court ruled that the FDA lacked jurisdiction to regulate tobacco products and to enforce rules to reduce the access and appeal of tobacco products for children and adolescents. The loss of the FDA's education and enforcement program eliminates vital federal support for state tobacco control programs.¹
- The 2010 national health objectives call for reducing the percentage of retailers willing to sell tobacco products to minors to 5% or less through enforcement of existing laws. To date, no state has met this objective.⁴

REFERENCES

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3. The University of Michigan. *Cigarette Smoking Among American Teens Continues Gradual Decline* (press release). December 17, 1999.
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