

# TOBACCO: MINOR IN POSSESSION POLICIES THE WRONG RESPONSE TO COLORADO'S VAPING EPIDEMIC

Colorado leads the nation in youth use of vapor products, known as vape or e-cigarettes.<sup>1</sup> Colorado communities are taking steps to address Colorado's youth vaping epidemic through the passage of local tobacco control policies. Unfortunately, some communities are considering, or have implemented, "Minor in Possession" (MIP) or "Possession, Use and Purchase" (PUP) policies, rather than strategies proven to reduce youth tobacco use.

## WHAT ARE MIP/PUP LAWS?

MIP/PUP laws intend to discourage underage youth from possessing, using, and purchasing tobacco products through punitive measures. Penalties for violating possession laws often include fines, community service, attending mandatory cessation or education programs, or the suspension of a driver's license or permit.<sup>3</sup>

## WHY ARE MIP/PUP LAWS NOT RECOMMENDED?

- Studies have found MIP/PUP laws are not effective in reducing youth smoking.<sup>3</sup>
- MIP/PUP laws do not regulate the retailer for promoting a harmful product but regulate consumers instead.<sup>4,5</sup>
- These laws have been found to disproportionately impact African-American and Hispanic students.<sup>6</sup>
- Current state laws make possession of tobacco products by minors illegal<sup>12</sup> and prohibit the use of tobacco on school property.<sup>13</sup> These laws already address possession of tobacco by minors.

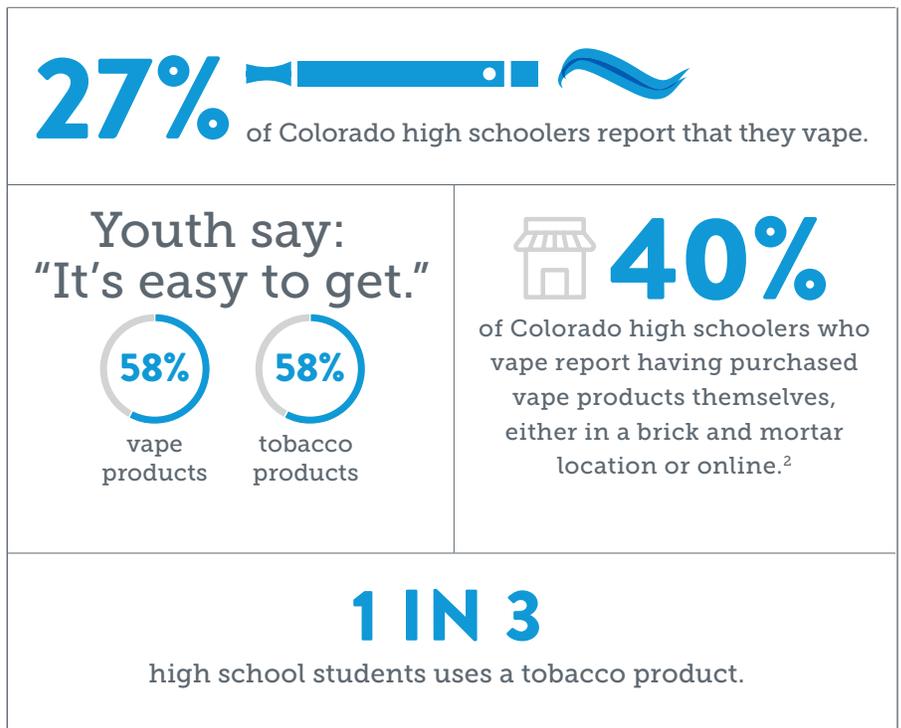
## THE TOBACCO INDUSTRY PROMOTES MIP/PUP LAWS

Tobacco companies and their allies have a history of supporting weak ordinances like those that prohibit minors from possessing, using or purchasing tobacco products. These weak laws are proposed as alternatives to comprehensive, effective laws that produce greater declines in youth tobacco use.

MIP/PUP laws relieve the industry of responsibility for marketing practices that encourage youth smoking and reinforce industry espoused position that these are adult products.<sup>4</sup>

## THE TOBACCO INDUSTRY TARGETS YOUTH WITH INNOVATIVE PRODUCTS AND PREDATORY MARKETING

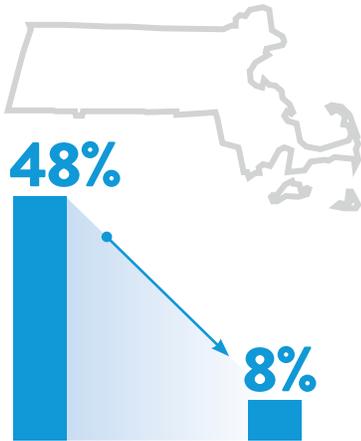
E-cigarettes are the most commonly used tobacco product among youth and are marketed by promoting flavors.<sup>4</sup> Enticing flavors and low perception of harm are two of the most common reasons youth and young adults cite for using e-cigarettes.<sup>7</sup>



Penalizing youth for purchase, use, and/or possession is not an effective strategy to reduce youth tobacco use. Some experts suggest that MIP/PUP laws detract from effective enforcement and tobacco control efforts. Enforcement officials focused on penalizing youth will dedicate less attention and resources to retailer enforcement.<sup>4</sup>

# TOBACCO RETAILER LICENSING: AN EFFECTIVE APPROACH TO KEEPING TOBACCO AWAY FROM OUR KIDS

Youth access laws such as retail licensing, flavor bans and raising the minimum legal sales age successfully reduce youth tobacco use when they are well enforced and disrupt the sale of tobacco products to minors.<sup>8</sup>



Other states have demonstrated significant decreases in illegal sales to minors following implementation of state licensing. In Massachusetts, illegal retailer sales dropped from 48% to 8%.<sup>4</sup>

## THERE ARE BETTER WAYS TO HELP KIDS QUIT VAPING OR SMOKING

Many youth who smoke, chew or vape are addicted, making it difficult for them to quit. Research suggests that penalizing youth could deter them from seeking support for cessation.<sup>8</sup> Promoting interventions that provide cessation resources for youth interested in quitting could be a more beneficial alternative. Colorado provides free coaching to anyone 12 and older through the Colorado QuitLine, at [coquitline.org](http://coquitline.org) or 1800-QUIT-NOW.

## YOU HAVE AN IMPORTANT ROLE TO PLAY

We need to protect youth from addictive and deadly tobacco products. Rather than penalizing them, adopt comprehensive tobacco control policies with a robust enforcement program that holds retailers and the industry accountable. According to the Surgeon General, the most effective way to reduce e-cigarette use among young people is to implement evidence-based population level strategies, not just strategies that target youth. These strategies include adding e-cigarettes in clean indoor air policies, restricting young peoples' access to e-cigarettes in retail settings, licensing retailers, curbing e-cigarette advertising and marketing that appeal to young people and reducing young peoples' access to flavored tobacco products and increasing the price of e-cigarettes.<sup>9</sup>

## KEY INGREDIENTS FOR AN EFFECTIVE LICENSING SYSTEM

Strong local tobacco retail licensing ordinances have been shown to reduce tobacco use among youth and may extend into adulthood.<sup>10</sup> Effective licensing requires several essential components.<sup>11</sup> Without these components, the license won't work to enforce the law.



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