

TOBACCO RETAILER NUMBER, DENSITY & LOCATION

Effects on Youth and Other Vulnerable Populations

The overwhelming majority of adult tobacco users began using tobacco and became addicted by the age of 18.¹ If a person has not started using tobacco by then, he or she probably never will.² In New York, 12.6 percent of high school, and 3.3 percent of middle school students are current tobacco users.³

The number, density and location of tobacco retailers significantly affect adolescent tobacco use.⁴ Research indicates that adult tobacco use is also influenced by these factors.⁵ Additionally, studies show that the number and density of tobacco retailers serving vulnerable populations are disproportionately high and influence high tobacco use rates in these communities.⁶

Increased numbers and density of tobacco retailers translates to increased tobacco use.

- There are currently over 20,000 tobacco retail stores in New York State – approximately one for every 210 kids.⁷
- The more tobacco retailers, the greater the access for young people and the more likely young people are to obtain and use tobacco products.⁸
- Additionally, increased density of tobacco retailers is correlated with increased tobacco use, including youth smoking.⁹
- Despite this — or likely because of this — there is a higher concentration of tobacco retailers in areas with high proportions of minors.¹⁰
- Despite this — or likely because of this — there is a higher concentration of tobacco retailers in areas with high proportions of disadvantaged residents.¹¹
- Accordingly, reducing tobacco retailer density is a viable policy for reducing the prevalence of youth tobacco use.

Youth are more likely to use tobacco when tobacco retailers are located within a short distance of their schools.

- In New York State, 51% of tobacco retailers are located within 1,000 feet of an elementary or secondary school.¹²
- Tobacco advertising is more prevalent inside of tobacco retailers located near schools.¹³
- Youth exposure to tobacco advertising can lead to an increase in youth initiation of smoking, especially when tobacco retailers are located near schools.¹⁴
- When several tobacco retailers are located near a school, youth may be more likely to experiment with smoking¹⁵ and purchase their own cigarettes.¹⁶
- Schools with higher rates of student smoking tend to be surrounded by a larger number of tobacco retailers in the neighborhood around the school.¹⁷

A retail licensing system regulating the number of tobacco retailers and their location can reduce youth tobacco initiation.

- Local governments can limit and gradually reduce the number of retail outlets, without hurting existing local businesses, by restricting the issuance of new licenses (renew only existing licenses).
- Local governments could also utilize a licensing system in conjunction with zoning ordinances to restrict tobacco retailers from areas frequented by children, such as near schools, libraries, playgrounds, and youth-oriented businesses (e.g., video arcades) and residential areas.¹⁸

This information is provided for educational purposes only and is not to be construed as a legal opinion or as a substitute for obtaining legal advice from an attorney.



References

Last updated October 2013

- ¹ U.S. DEP'T. OF HEALTH & HUMAN SERVS., PREVENTING TOBACCO USE AMONG YOUTH AND ADULTS: A REPORT OF THE SURGEON GENERAL 8 (2012).
- ² *Id.*
- ³ N.Y. STATE DEP'T OF HEALTH, YOUTH ACCESS TOBACCO ENFORCEMENT PROGRAM ANNUAL REPORT OCTOBER 1, 2010 –March 31, 2012 4 app. 4 (2012), available at http://www.health.ny.gov/prevention/tobacco_control/docs/tobacco_annual_2010-2012.pdf.
- ⁴ Lisa Henriksen et al., *Is Adolescent Smoking Related to the Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?*, 47 *PREV. MED.* 210-214 (2008); William J. McCarthy et al., *Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students*, 99 *AM. J. PUB. HEALTH* 2006, 2011-12 (2009); Scott P. Novak et al., *Retail Tobacco Outlet Density and Youth Cigarette Smoking: A Propensity-Modeling Approach*, 96 *AM. J. PUB. HEALTH* 670, 673-4 (2006); and TobaccoFreeNYS.org, *What's in Store for Our Kids*, available at <http://www.tobaccofreenys.org/images/POS/POS-Impact-On-Youth.pdf>.
- ⁵ N. Andrew Peterson et al., *Tobacco Outlet Density, Cigarette Smoking Prevalence, and Demographics at the County Level of Analysis*, 40 *SUBSTANCE USE & MISUSE* 1627, 1629 (2005) (finding that counties with a lower density of tobacco retailers showed lower smoking prevalence and counties with a higher density of tobacco retailers showed a higher smoking prevalence); Lorraine R. Reitzel et al., *The Effect of Tobacco Outlet Density and Proximity on Smoking Cessation*, 101 *AM. J. OF PUB. HEALTH* 315 (2011) (finding that study participants living within a short walking distance to a tobacco retailer were less likely to remain abstinent from smoking six months after a quit attempt than those who lived farther from a tobacco retailer).
- ⁶ See Dolores Acevedo-Garcia et al., *Undoing an Epidemiological Paradox: The Tobacco Industry's Targeting of US Immigrants*, 94 *AM. J. PUB. HEALTH* 2188 (2004) (finding industry geographically targets marketing to immigrant communities); see also Robert John et al., *Point of Sale Marketing of Tobacco Products: Taking Advantage of the Socially Disadvantaged?*, 20 *J. HEALTH CARE POOR & UNDERSERVED* 489 (2009); see also Harriet A. Washington, *Burning Love: Big Tobacco Takes Aim at LGBT Youths*, 92 *AM. J. PUB. HEALTH* 1086 (2002).
- ⁷ N.Y. STATE DEP'T OF HEALTH, *supra* note 3, at 9. A total of 20,232 tobacco retailers were registered as of June 2011. NYS Data Center, Census 2010, Summary File1, available at http://esd.ny.gov/NYSDataCenter/Data/Census2010/Profiles/NY_040_2010_PROFILE.pdf.
- ⁸ See Brett Loomis et al., *The Density of Tobacco Retailers and its Association with Attitudes Toward Smoking, Exposure to Point-of-Sale Tobacco Advertising, Cigarette Purchasing, and Smoking Among New York Youth*, 55(5) *PREV. MED.* 468, 469 (2013); N. Andrew Peterson et al., *Tobacco Outlet Density, Cigarette Smoking Prevalence, and Demographics at the County Level of Analysis*, 40 *SUBSTANCE USE & MISUSE* 1627, 1629 (2005); and TobaccoFreeNYS.org, *supra* note 4.
- ⁹ Henriksen et al., *supra* note 4; Novak et al., *supra* note 4.
- ¹⁰ Novak et al., *supra* note 4, at 673.
- ¹¹ *Id.*
- ¹² Douglas A. Luke et al., *Family Smoking Prevention and Tobacco Control Act: Banning Outdoor Tobacco Advertising Near Schools and Playgrounds*, 40 *AM. J. PREV. MED.* 295, 300 (2011).
- ¹³ U.S. DEP'T. OF HEALTH & HUMAN SERVS., *supra* note 1, at 600.
- ¹⁴ *Id.*
- ¹⁵ McCarthy et al., *supra* note 4, at 2012.
- ¹⁶ Scott T. Leatherdale & Jocelyn M. Strath, *Tobacco Retailer Density Surrounding Schools and Cigarette Access Behaviors Among Underage Smoking Students*, 33 *ANNALS OF BEHAV. MED.*, 105, 109 (2007).
- ¹⁷ *Id.* at 106.
- ¹⁸ Marice Ashe et al., *Land Use Planning and the Control of Alcohol, Tobacco, Firearms, and Fast Food Restaurants*, 93 *AM. J. PUB. HEALTH* 1404, 1407 (2003); and MELODIE TILSON, NON-SMOKERS' RIGHTS ASSOCIATION, REDUCING THE AVAILABILITY OF TOBACCO PRODUCTS AT RETAIL: POLICY ANALYSIS 4 (2011), available at http://www.nsra-adnf.ca/cms/file/files/Reducing_Retail_Availabilty_policy_analysis_final_2011.pdf.

