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Retail Environment

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Retail tobacco policy efforts and barriers to implementation in the US

Insights from local practitioners

Stephanie Andersen | March 2, 2023



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The ASPiRE Center is an NCI-funded collaborative of tobacco control researchers, practitioners, and legal experts investigating how tobacco retailer density and innovative retail tobacco interventions impact people and communities.

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Tobacco Sales in Chicago

In 2019, total tobacco sales equaled **\$91.1M/year** or **\$251K per day**. This included cigarettes, vaping products, smokeless tobacco, cigars, and loose/pipe tobacco.

Cigarettes
Cigarettes were 76% of tobacco dollar sales. 37% of cigarette sales were for menthol-flavored cigarettes.

Cigars
49% of cigar dollar sales were for cheap packs of 2.

Pod Vaping Products
In one year, stores sold approximately **2,826 pods per day**, totaling **\$7.8M**.

51% of pod dollar sales were for mint/menthol flavors.

See Tobacco Sales Fact Sheets for other ASPiRE cities.

Suggested citation: Tobacco Sales Fact Sheet for Chicago (April 2021). Center for Advancing Science & Practice in the Retail Environment (ASPiRE). aspirecenter.org. Institute #191-C-22297.

One in six U.S. adults lives in one of the 30 ASPiRE cities. Visit aspirecenter.org for suggestions to aspirecenter@usf.edu.


79 percent of Oakland schools are within 1,000 ft of a tobacco retailer.



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MAY 2021

Greetings, Community Advisory Board members!

Breaking News: The U.S. Food and Drug Administration has just announced its intent to prohibit menthol cigarettes and flavored cigars. Read about the FDA's plan below, and stay tuned for additional news on FDA's next steps and how to get involved. [Register here for a PHLC webinar](#) providing an overview of the FDA's response and a preview of what to expect next.

Interviews in 30 big cities, 2022

1 in 6
US adults
lives in an ASPIRE
CAB city

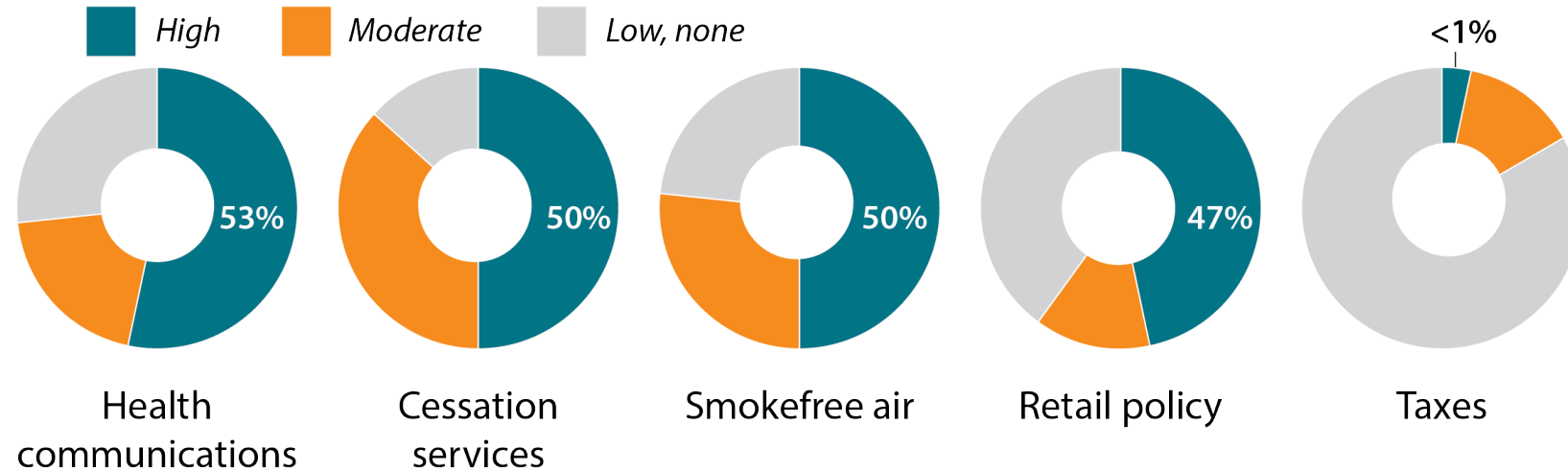




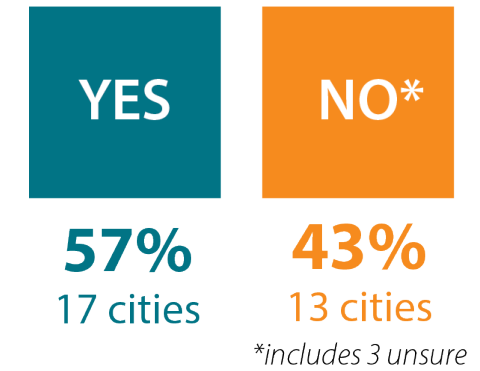
Retail Policy Activity

Cities prioritize retail policy

Level of priority placed in different areas of tobacco prevention and control



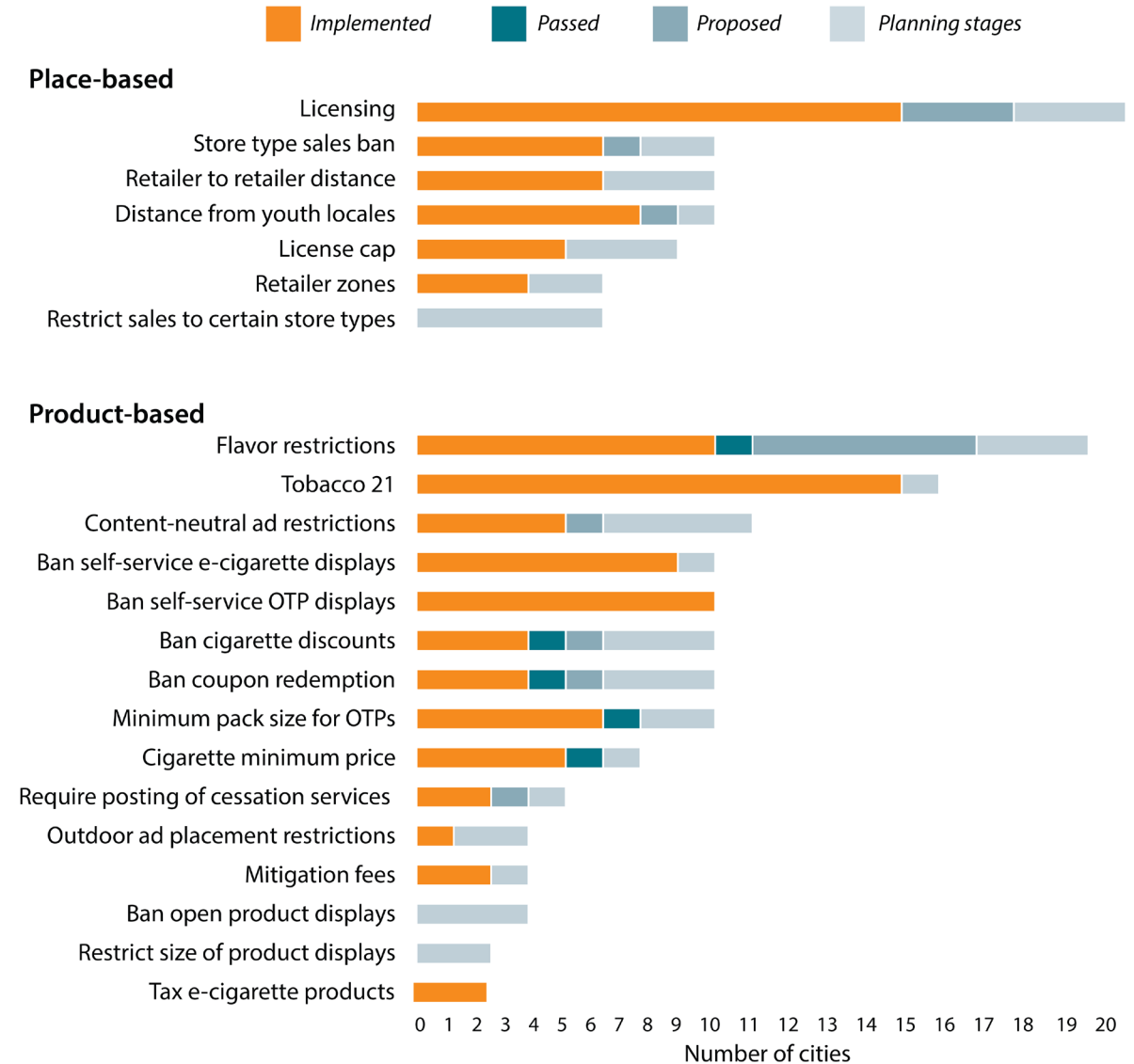
Proportion of cities that include retail policy in their strategic plan



And continue to make progress

- Cities implemented 3.3 policies on average
- Most activity was in retail licensing, Tobacco 21, and flavor restrictions

Local retail policy activity in 30 ASPIRE cities, 2022





Challenges in Retail Policy

Lack of political will is top barrier to policy adoption

“There's been a real **concern about small retailers** and how they've been impacted by the pandemic.”

“The industry-supported narrative to frame retail-level tobacco control policy as **oppressive to small businesses**, that's something we have to constantly combat.”

“I anticipate that's going to be the next biggest barrier, how do you do this and not seem **anti-business?**”



Preemption limits local control

- **Ten cities reported being preempted** in at least one of four areas of tobacco control (licensing, advertising, smoke-free air, or youth access).
- Cities that reported being preempted in at least one tobacco policy area reported low levels of local retail policy activity.



Retailer compliance, repeat offenders challenge cities

- Operating without a license
- Continuing to stock prohibited products on the shelves
- Selling prohibited products under the counter
- Sectioning off areas of the store or building internal walls to identify as an adult-only retailer
- Not complying with COVID stay-at-home closure orders



Cities lack capacity for enforcement

Inadequate staff and training

“*Public Health was just used to collecting licensing fees and fees for birth certificates and death certificates, so we'd had nothing like this before. We really had to start from scratch, that was a huge challenge. It's **something that most public health people don't get training for.***”

Limited authority to enforce

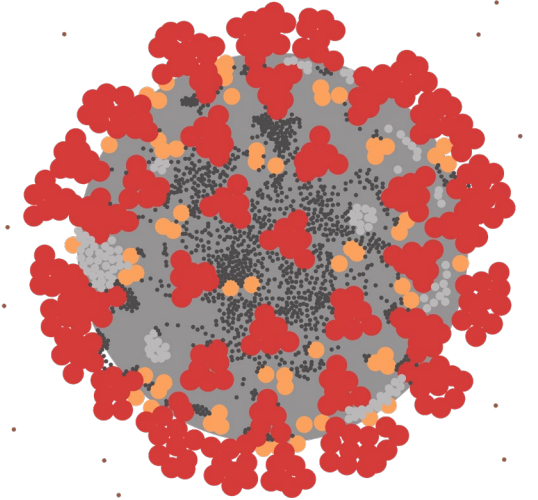
“*We don't enforce, our Tobacco Control Program has **no enforcement authority.***”





COVID Impacts

COVID-19 delayed policy adoption for many



- Cities with more policy activity reported that **COVID-19 shifted attention away** from retail policy to mitigation strategies.
- Cities with lower retail policy activity reported that **COVID-19 actually had positive impacts**, increasing attention on the importance of quitting tobacco.

“It has **not left a lot of air in the room** to talk about retail tobacco control policy, because everyone has been so just COVID focused.”

“COVID-19 **opened the dialogue** about the importance of protecting lung health with retailers who otherwise would never have spoken to us before. We were able to talk to people and they would understand **the importance of public health.**”

COVID-19 delayed enforcement and evaluation

- “It just delayed a lot of our **implementation** work as well as just looking at ways to improve the program.”
- “We haven't done any **youth inspections** for two years, so we have no idea what's going on in the field.”
- “During the pandemic, we were unable to conduct **surveillance efforts**, given that stores were either closed or there were changes in where retailers were located. So we weren't able to really assess our retailers in 2020 or even 2021.”



COVID-19 led to staff redeployment, hiring freezes

- Staff redeployment to COVID-19 mitigation strategies
- Hiring freezes
- Turnover
- Unfilled positions
- Loss of leadership

“A large portion of our **time was diverted** to standing up testing sites. And then after that vaccination sites.”

“I was completely **unable to do any tobacco related work.**”

“There were changes in staffing at pretty much all levels within the program. **Staff turnover, open positions, having difficulty filling.** I currently have two open positions that have been open for almost a year for health educators.”

“Our division as a whole has really **not had a division director** for the last year or more.”

Returning to “normal” hasn’t been easy

Difficulty shifting focus back to tobacco control

“It's really **hard to switch back** and wrap your head around all this stuff. When you were 195% doing vaccinations and boosters just a couple weeks ago, you know? It was a really intense two years.”

Long-term effects on policy progress

“It absolutely has changed our work. Things that we may have been able to tackle in the near or midterm **have now again become long term**—policy research, analysis, and then, hopefully, advocacy and implementation.”

A new tobacco product landscape

“Evaluation is harder. I think we thought we would be going out to the stores and just checking what's happening. One of my staff went to a store recently and he was amazed at how many **new products** were there that he had not seen previously. So, we've got a little bit of catching up to do.”

Unknown impacts

“I'm hopeful that things are slowly getting back to somewhat normal. But I think COVID has affected us all in **ways that we don't even know about right now**. And I'm not sure what the lasting effects of that are going to be.”



Needed Resources

Data, evidence helpful to pass retail policies

- More than twice as many cities noted using data and evidence in 2022 as in 2019 to make the case for retail policy
- Cities with high levels of policy activity also employed other strategies
- Low-activity cities relied more heavily on advocacy by national partners

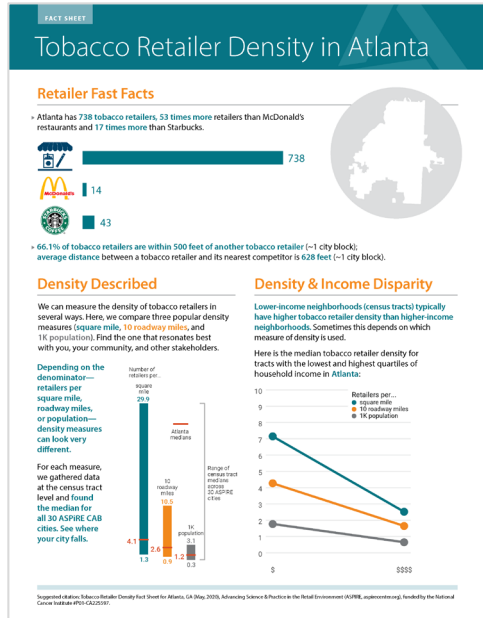


Coalitions & data essential to overcome opposition

“ We’ve tried to use **local, statewide, and national data, pediatricians and other trusted sources, trying to get those who are of the cultural, racial and or ethnic community to **talk about their own community.**** Focusing on the need to protect youth, people over profit.”



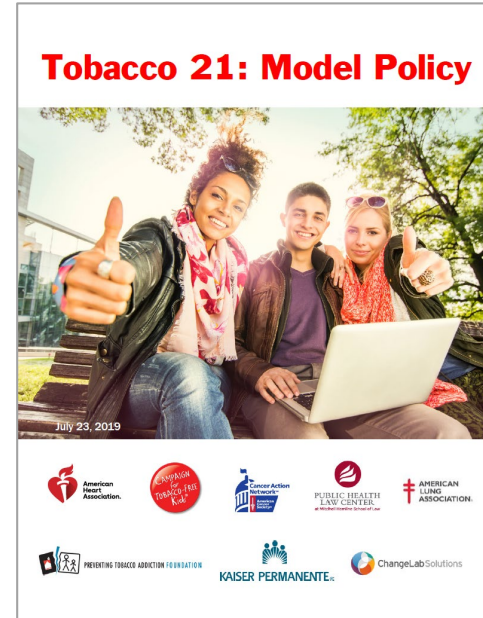
Cities need data, case studies, model policies



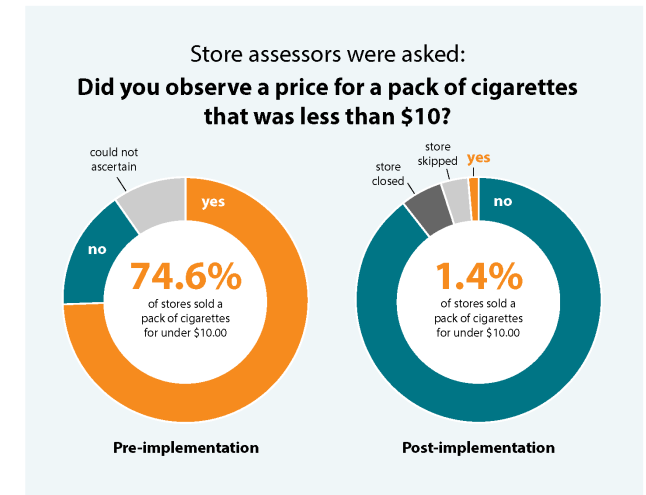
Research & evaluation data



Case studies



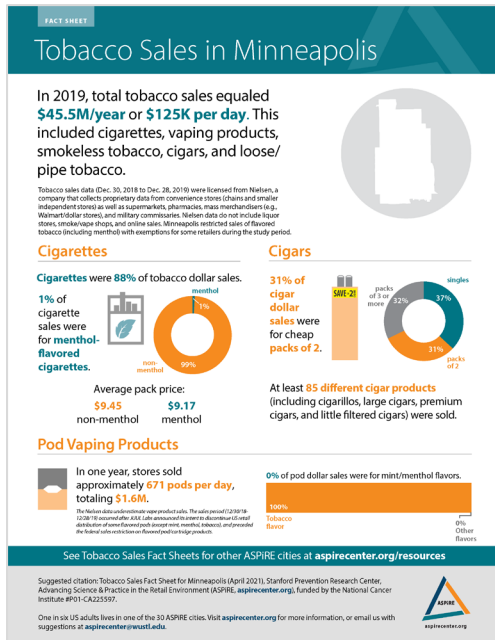
Model policies



Evaluation data on implementation of St. Paul's minimum price for tobacco products. Adapted from ANSR

Store assessment data

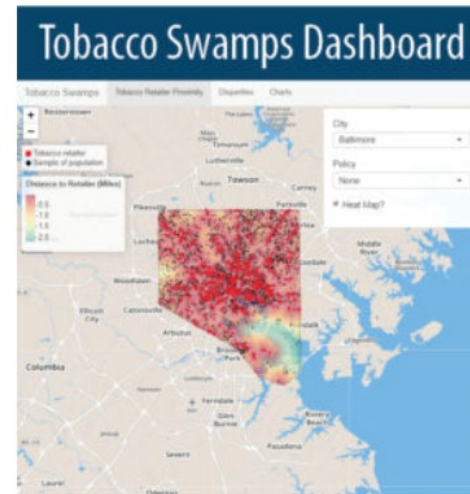
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FEBRUARY 2023

Greetings, Community Advisory Board members!

Let's start the February newsletter with a warm thought: Mark your calendars for a **trip to San Diego May 9-10** for our in-person CAB meeting (or warm up your office for remote participation). The meeting begins at 12 noon Pacific time and adjourns by noon the next day. The agenda is still being finalized, but we hope to discuss a new retailer licensing policy in Chicago, flavor restrictions, and preemption; preview new products; and brainstorm new project ideas. We're so excited to reconnect with our longtime CAB members — and meet new ones.

ASPIRE CAB MEETING
May 9-10, 2023 in San Diego

ASPIRE updates

Looking back at 2022

Hot off the digital press is our **2022 ASPIRE Year in Review**, full of research, resources and policy breakthroughs in retail tobacco control from around the U.S. Please take a look and let us know via email (aspirecenter@wustl.edu) if we've missed any new policies in your communities.

ASPIRE eNews

aspirecenter.org/resources

Thank you!

Stephanie Andersen, MPA

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