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AGENCIES BACK LEGISLATION TO CURB TOBACCO SALES TO MINORS

If Oklahoma retail outlets such as convenience and grocery stores continue to sell tobacco to minors, the Department of Mental Health and Substance Abuse Services could lose millions of dollars in federal substance abuse block grant funds, a loss that would cripple the agency's efforts to prevent underage tobacco use and substance abuse.

The state agency is dangerously close to losing 40 percent of its federal substance abuse block grant – approximately \$7 million – due to Oklahoma's poor progress in reducing youth access to tobacco. New legislation drafted by Sen. Mike Morgan, D-Stillwater, however, seeks to reduce that possibility by assessing stricter penalties and other restrictions on stores that repeatedly sell tobacco products to those under age 18.

“Aside from funding penalties, it makes sense from a public health stance to discourage youth tobacco use,” said Dr. Terry Cline, Department of Mental Health and Substance Abuse Services commissioner. “Approximately 90 percent of adult smokers began smoking before age 18 and nearly 10,000 high school students become regular, daily smokers every year in Oklahoma. Our state ranks ninth in the nation in smoking-related deaths. We all pay for this addiction, even if we don't use tobacco products.

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“Out of all the legislation drafted this year, the need for this bill is probably the most self-evident,” he added. “Store owners who sell tobacco need to do so responsibly and that means following the law. Any store owners who have continued difficulty with compliance are putting their own profits ahead of our children’s health. Clearly, they are not prioritizing health or following the law and they should be penalized for that.”

Anne Roberts, executive director of the Oklahoma Institute for Child Advocacy (OICA), which developed many of SB 1310’s provisions, said the proposed legislation would put teeth into current law that already makes sales of tobacco to minors illegal.

“We have to do whatever it takes to make these store owners take this issue seriously,” she said. “This legislation includes a number of items that would provide resources for conducting ‘buy’ operations and make it harder for youth to access tobacco products. Also, instead of just fining the clerk who makes minimum wage, the owner of the store would be fined, as well.”

In Oklahoma, clerks who sell tobacco products to minors can be fined up to \$100, yet store owners often escape penalty. Proposed legislation solidifies language penalizing store owners and includes a number of other measures to reduce youth access to tobacco, such as temporary tobacco sales license suspensions to store owners for repeated violations; eliminating “self-service” tobacco displays within stores; restricting the placement of cigarette vending machines to adult-only locations; and repealing tobacco-industry supported prohibitions that keep cities from enacting tobacco ordinances stronger than state law.

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Although it receives no additional funding for this purpose, the Alcoholic Beverage Laws Enforcement (ABLE) Commission is charged with enforcing the law in Oklahoma by conducting random “buy” operations at retail stores. Under the federal “Synar Amendment,” penalties are assessed if the state’s “compliance” rate falls below 80 percent, meaning that underage customers can’t succeed in purchasing tobacco in more than 20 percent of undercover “buy” operations. In 2000, Oklahoma had a 20.1 percent non-compliance rate, which grew to 22.5 percent in 2001. The government allows for a three-point margin of error for the random survey process.

If compliance rates continue to fall, the resulting 40 percent reduction in federal funding for substance abuse programs would “cripple our efforts” to reduce substance abuse, Cline said.

“Given tobacco’s devastating effects on teens and their ensuing adult health, it’s critical that we address the issue of youth access to tobacco,” he said. “Prevention is the key. It’s much easier to prevent smoking than it is to get people to stop after they’ve established a lifelong habit.”

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