

Tobacco control law implementation: Improving retailer compliance with tobacco control policies - tools and experiences from North America

30 October 2025

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The Tobacco Retail Environment and Why it Matters for Health & Health Equity

Mollie Mayfield, MPH | October 30, 2025

Setting the stage

- What does the retail environment look like in the United States and why?
- Why does the retail environment matters?
- What are the key policy levers for reducing the it's influence on commercial tobacco use?

What is the retail environment or “point of sale”?



Reasons why the point of sale matters



Industry marketing
spending

1



Youth tobacco
use initiation

2



Quit attempts
more difficult

3



Disparities at
the point of sale

4

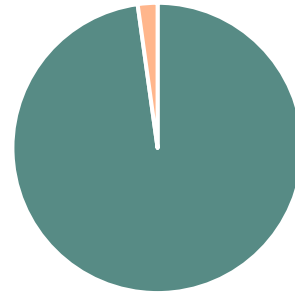
Tobacco industry marketing 2022 expenditures in the USA

\$8.3 Billion

Spent in 2022 on cigarettes
and smokeless tobacco
marketing at the point of sale

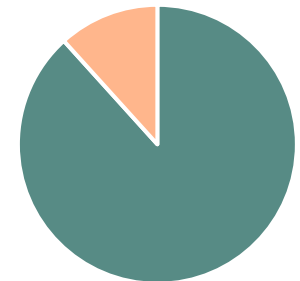
97.8%

Spent in 2022 on cigarette
marketing at the point of sale



88.3%

Spent in 2022 on smokeless
tobacco marketing at the
point of sale



What are they spending on?

\$8.2 Billion /yr

Price discounts and
promotional allowances paid
to retailers



\$51.4 Million /yr

Point-of-sale advertisements:
signs, displays, shelving units,
functional items



**\$119.4 Million
/yr**
Coupons



Tobacco retailer contracts

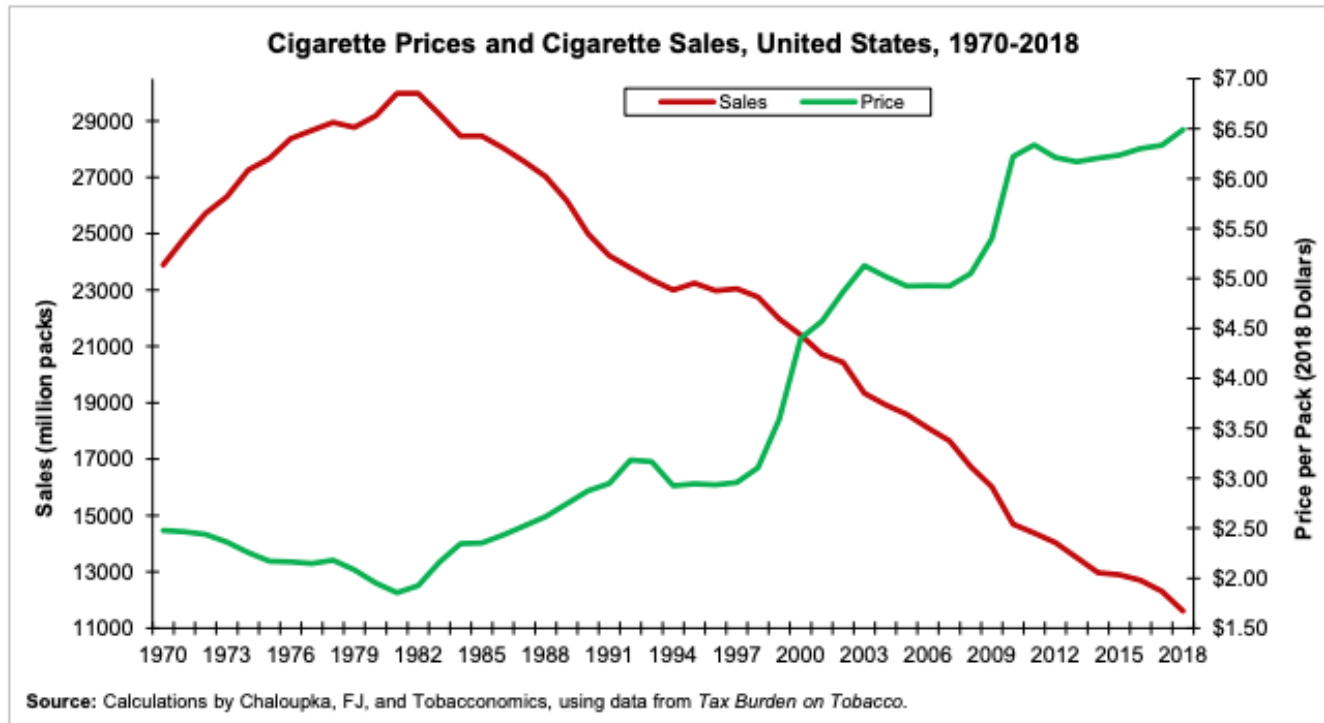
Tobacco companies dictate through contracts with retailers:

- Placement: "Plan-O-Grams" dictate how and where tobacco products must be displayed
- Pricing: Dictate pricing and discounts offered
- Product: Requirements for product inventory (eg. 50% share of menthol...)
- Promotion: Require retailers to display tobacco advertisements

2 of 3
Tobacco industry contract excerpts demonstrating the 4Ps of tobacco retail marketing:
P Placement, **P** Promotion, **P** Price, and **P** Product

Placement PHILIP MORRIS USA INC. 2015 RETAIL LEADERS PROGRAM AGREEMENT (Fixture Plan) 2015 Retail Leaders Program Form of Plan-O-Gram Retailer agrees to merchandise PM USA products and PM USA Cigarette Signs in accordance with the requirements of this Agreement. With respect to a Store participating in the Fixture Plan, Retailer understands and agrees that certain requirements are illustrated in this Plan-O-Gram. Retailer is solely responsible for full compliance with the terms and conditions of this Agreement, including this Plan-O-Gram. In the event of a conflict between the Plan-O-Gram and the terms and conditions of the Agreement, the terms and conditions of the Agreement will control. PM USA Share (expressed as a percentage) means the greater of: • PM USA's share, for a period of time designated by PM USA, of the aggregate cigarette purchases (as reported in STARIS) by the Store, or, for any Store that is part of a Chain, all Stores associated with such Store's AGDC management account number... %; or • PM USA's share, for a period of time designated by PM USA, of the aggregate cigarette purchases (as reported in STARIS) by all AGDC Workload stores in the zip codes of the AGDC sales territory in which the Store is located, or if the Store is part of a Chain, all AGDC Workload stores in the zip codes in which any Store associated with such Store's AGDC management account number is located... %. PCMA Fixture Layout 	Promotion PHILIP MORRIS USA INC. 2015 RETAIL LEADERS PROGRAM AGREEMENT (Fixture Plan) Choice Level and Premium Level Requirements By choosing to participate in the Program at a particular Participation Level with respect to one or more Stores, Retailer agrees that such Stores will comply with the merchandising, signage, and other requirements applicable to that Participation Level, as set forth below. Retailer may not participate in a Display Plan with respect to a Store that is eligible to participate in a Fixture Plan. 1. Merchandising Requirements. A. General Requirements. (1) All cigarette and PM USA product merchandising and sales in a Store must be NSS. (2) All PM USA cigarettes in a Store must be merchandised such that they are clearly visible and proximate to adult tobacco consumers. (3) All space designated to merchandise front-facing cigarette packs in a PM USA Display must be occupied by front-facing PM USA cigarette packs. (4) Each PM USA Display must visibly merchandise at least six contiguous front facings of PM USA cigarette packs. (5) In no event may there be more than three PM USA Displays or three PM USA Cigarette Signs in any Store. B. Choice Level Requirements. Each Store must (a) display at least one PM USA Interior Cigarette Sign or (b) merchandise PM USA Cigarettes on at least one PM USA Display. C. Premium Level Requirements. Each Store must (a) display at least one PM USA Interior Cigarette Sign and (b) merchandise PM USA Cigarettes on at least one PM USA Display or one Industry Display.
Price RAI TRADE MARKETING SERVICES COMPANY ("RAITMS") RETAIL PARTNERS MARKETING PLAN CONTRACT 2017 MENTHOL OUTLET PLAN - AMENDED 04/02/2018 Consumer Pricing Fairness Program (Applicable to all Contracts) • Retailer must comply with all provisions of the Consumer Pricing Fairness Program ("CPF Program"). • Retailer will maintain prominent and accurate pricing communication on and off the merchandising set as determined by RAITMS. • Retailer will not engage in deceptive or misleading price communications. • Retailer will ensure that the price charged to consumers is not greater than communicated prices. • Retailer will prominently and accurately communicate prices on all discounted (off-invoice and/or retail discounts) and/or otherwise promoted brand styles. • The ability to advertise price for the Products will be no less than parity with other tobacco companies. • Retailer will perform price changeovers, and execute all pricing changes at the beginning date of all price promotion timeframes, as determined by RAITMS. • RAITMS may offer price reductions or promotions to meet reductions or promotions made by competitors. [...] • Retailer shall price all RAITMS tobacco products competitively with other tobacco products. • Retailer must pass through to purchasers no less than the full amount of all RAITMS discounting (whether provided by RAITMS through monthly or pulse discounting). Retailer must pass through the discounting regardless of unit configurations (e.g. packs, multi-pack specials, cartons, tins, sleeves) or loyalty/frequent shopper programs. Retailer must apply the discounting on a product-by-product, brand style-by-brand style, outlet-by-outlet, value-by-value basis.	Product RAI TRADE MARKETING SERVICES COMPANY ("RAITMS") RETAIL PARTNERS MARKETING PLAN CONTRACT 2017 MENTHOL OUTLET PLAN - AMENDED 04/02/2018 Base Requirements (Applicable to all Contracts) • Outlet or account average Cartons Per Week (CPW) of the Products must be 5 CPW or greater. In the states of New Jersey and New York, the CPW of the Products must be 2 CPW or greater. • Outlet must have a menthol share of market of 50% or greater. • The Products, and displays and signage for the Products, will be maintained in a highly visible, primary line of sight position, and must occupy the #1 position as defined by RAITMS. If Philip Morris USA (PM USA) has a Retail Leaders Program in the outlet, RAITMS may occupy the #2 position as defined by RAITMS. • Retailer will carry and maintain ongoing availability of brands and styles of the Products in all price tiers as requested by RAITMS. • Retailer will accept product force outs for new brand introductions and/or promotions. • Retailer will merchandise and offer for sale single packs of cigarettes in each of its outlets. The by-the-pack offerings for RJRT and/or SFNTC cigarettes will include a variety and quantity of brand styles in all price tiers adequate to satisfy local market demand. General Merchandising/Presence Requirements (Applicable to all Contracts) • Retailer will provide the space required for RAITMS distribution needs both on and off the primary merchandising fixture. RAITMS total contracted space must be sufficient in size to maintain no less than 1.5 weeks inventory of designated brand styles of the Products. • Retailer will provide sufficient space to allow a minimum of one tagged merchandising slot for each brand style of the Products as designated by RAITMS. • Retailer will maintain an adequate inventory of required brand styles and will accept new items as requested by RAITMS.

Cheap and visible





There are over 375,000+ retailers across the United States



Tobacco retailer proximity to schools

Tobacco retailer density is not evenly spread across the US

- Tobacco retailer density higher in neighborhoods with a higher percentage of:
 - Households with low income
 - Vacant housing units
 - Black residents
 - Hispanic residents
 - Asian residents
 - Same-sex households

Tobacco retailer density as a driver of disparity



Reducing access and exposure



Raising the age of sale: Tobacco 21

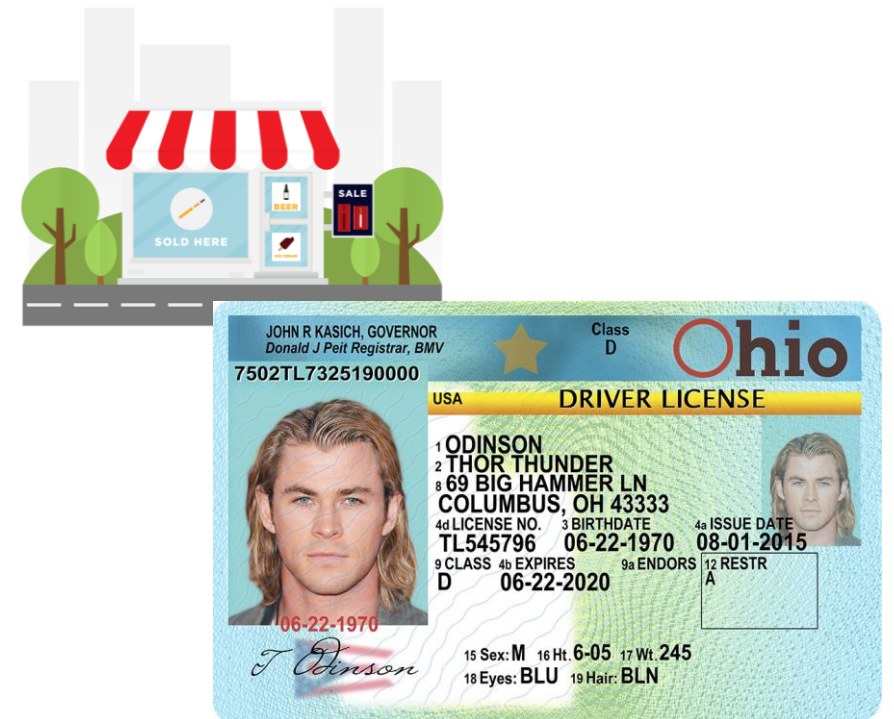
- 95% of people who smoke started before age 21
- Raising the age of sale will reduce youth initiation
- The federal age of sale was raised to 21 in 2019 but...
 - 7 states have not raised the age to match the federal age, limiting enforcement
 - Many existing statewide age of sale laws have weak enforcement provisions
 - Some state and local laws focus on purchase, use, and/or possession rather than sales



Tobacco retailer licensing (TRL)

TRL requires every store that wants to sell tobacco to obtain an annual license for an annual fee. Strong policies provide:

- A better list of who is selling tobacco and where
- Youth protection: TRL can reduce sales to minors, youth initiation, and youth use of cigarettes and e-cigarettes
- Comprehensive enforcement: visits to every retailer every year to check for compliance
- Meaningful penalties: license suspension and revocation
- A versatile regulatory platform. Other tobacco control policies can be enforced through licensing



Point-of-sale policy options: the 4 Ps



Point of sale retailer compliance challenges

- **Age of sale:** not all states have raised the legal age of sale to match the federal age of 21, leaving gaps in state enforcement authority and confusion among retailers
- **Evolving product landscape:** Tobacco control laws and regulation struggle to keep pace with tobacco industry innovation with products, flavors, etc.
- **Licensing:** not all states have retail licensing, or do not have a high enough fee to cover comprehensive enforcement, leading to a lack of inspection coverage for all retailers each year
- **Preemption:** Localities in some states do not have the authority to pass their own local retail policies and must rely on state and federal policies and enforcement
- **Industry influence:** Retailers get messages from the tobacco industry about the importance of tobacco to their bottom line, while being beholden to the tobacco companies through contracts
- **Equitable enforcement:** Ensuring all communities are well protected and businesses and industry actors are held accountable rather than youth other individuals.

Thank you



CounterTools.Org

CounterTobacco.Org

mollie@countertools.Org

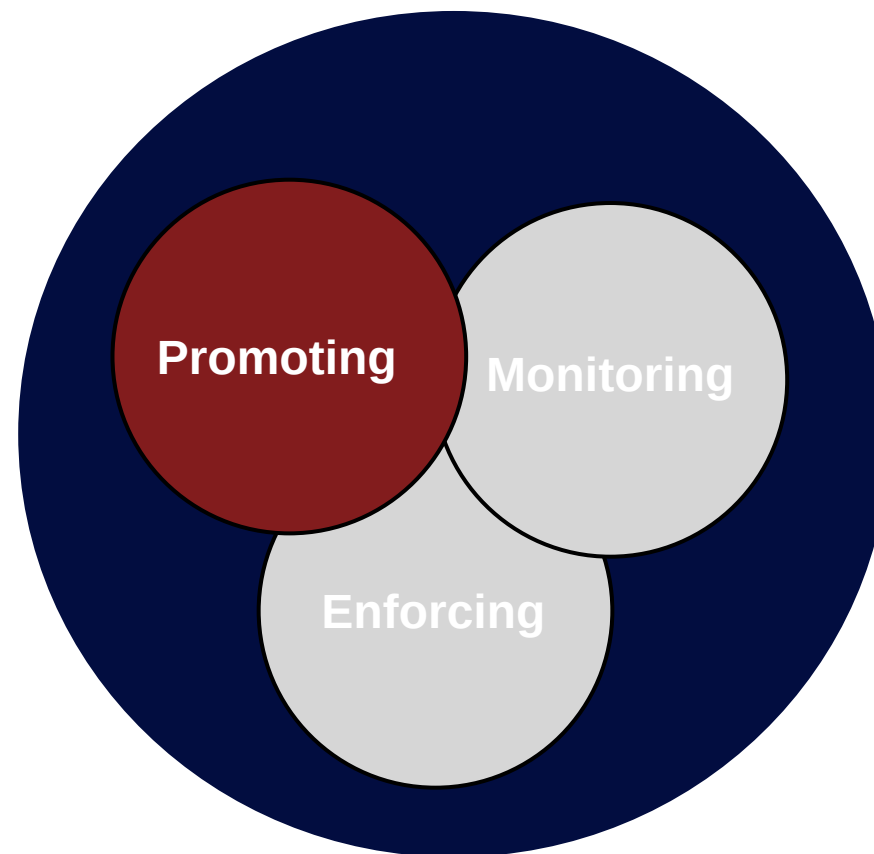


Strategies to Build Tobacco Compliance & Enforcement





Compliance Building





Promoting: Education Materials



Tobacco 21

It is illegal for a retailer to sell any tobacco product—including e-cigarettes—to anyone under 21. The federal minimum age of sales of tobacco products applies to all retail establishments and persons with no exceptions.

Additional Tobacco 21 Requirements
Beginning September 30, 2024, retailers must:

- Verify with photo identification the age of anyone under the age of 30 who is trying to purchase tobacco products, including e-cigarettes.
- Not sell tobacco products via vending machine in facilities where individuals under 21 are present or permitted to enter at any time.
- Not sell cigarettes or smokeless tobacco via self-service displays in facilities where individuals under 21 are present or permitted to enter at any time.

FDA Resources to Assist Retailers

THIS IS OUR WATCH
FDA's "This is Our Watch" program materials include a mix of educational materials for retail stores to inform customers of the law and emphasize the retailer's role.

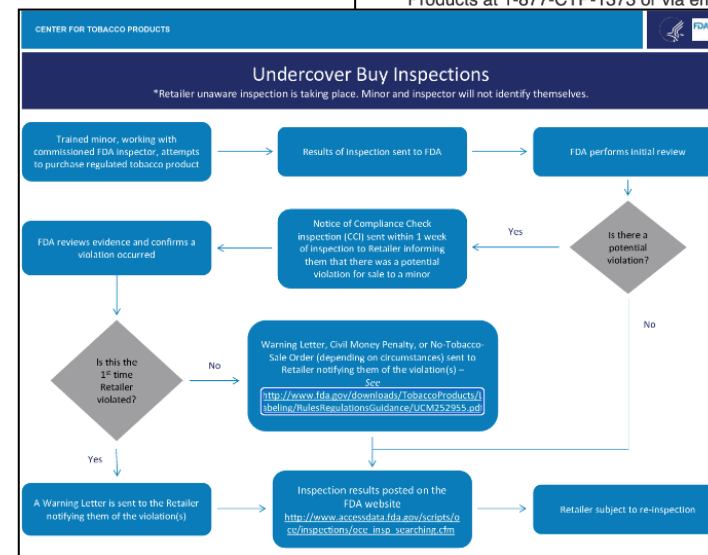
Age Verification Tools
FDA has resources to help retailers quickly determine if a customer is old enough to legally purchase tobacco products.

FOR THE LATEST INFORMATION, PLEASE VISIT FDA'S TOBACCO 21 WEBPAGE.

CENTER FOR TOBACCO PRODUCTS

What should you do if you receive a Warning Letter?

- Review the letter carefully to see what charges are listed.
- Respond to the Warning Letter **within 15 working days**, in writing, by mail or email. Include the following in your response to the Warning Letter:
 - An explanation of the steps you will take to correct the violation(s) and prevent future violations (for example, retrain your employees, remove the problematic items, etc.); and
 - Your current contact information including telephone number and email address.
- Promptly and adequately correct the violations listed and be sure that you comply with all [applicable laws and regulations](#).
- If you have any questions about warning letters, contact the Center for Tobacco Products at 1-877-CTP-1373 or via email to the address listed in your warning letter:





Promoting: **Training**



	Title
R	Part 1 – Introduction to Civil Money Penalty and No-Tobacco-Sale Order Complaints
R	Part 2 – How to Pay Your Civil Money Penalty Using the Online Payment Portal
R	Part 3 – How to File an Answer and Consequences for Not Filing an Answer
R	Part 4 – The Settlement Process for a Civil Money Penalty or a No-Tobacco Sale Order Complaint
R	Part 5 – The Hearing Process for a Civil Money Penalty or a No-Tobacco-Sale Order Complaint
R	Introduction to Tobacco Product Recalls
R	What a Brick and Mortar Tobacco Retailer Should Do After Receiving a Warning Letter
R	Office of Small Business Assistance
R	How to
R	Produ
R	Langu



	Title
M&I	Small Tobacco Product Manufacturers, Domestic Establishment Inspections
M&I	Importing Tobacco Products: Updates for Importers
M&I	User Fee Data Needed from Tobacco Product Manufacturers and Importers
M&I	Tobacco Product Compliance Policy: Updates for Importers
M&I	Tobacco Product Compliance Policy: Updates for Manufacturers
M&I	Tobacco Registration and Product Listing Updates
M&I	Tobacco Entries: Updated Information For Filing ENDS Products for Import in the Automated Commercial Environment (ACE)
M&I	What a Manufacturer or Vape Shop Owner Should Do After Receiving a Warning Letter
M&I	Tips for Applicants: Using the CTP Portal
M&I	Updates for Importers



Promoting: **Public Database**

Tobacco Compliance Check Outcomes
(includes decisions through 05/31/2025)

This database includes inspections of brick-and-mortar retailers and online investigations.

Brick-and-Mortar Inspections | **Online Investigations**

Search Decisions

Retailer Name	Outcome	Underage Purchaser (UP) Involved
	All	
City	Decision Date	
	From	To
	mm/dd/yyyy	mm/dd/yyyy
State	Zip	Sale to UP
All		
		Product Type Purchased by UP



Promoting: **Public Communications**

FDA Warns 80 Retailers for Selling Unauthorized E-Cigarettes

The Food and Drug Administration issued warning letters to 80 brick-and-mortar retailers in 15 different states for the sale of unauthorized Elf Bar and Lost...

Jul 25, 2024

FDA Takes Action Against Unauthorized E-Cigarettes Promoted at Industry Trade Show

The FDA also announced the issuance of warning letters to five online retailers for selling unauthorized e-cigarette products popular with youth...

Sep 13, 2024

FDA Warns Firms Selling E-Cigs Resembling Products With Smart Tech

FDA issued warning letters to nine online retailers and one manufacturer for selling and/or distributing unauthorized disposable...

Oct 30, 2024

Retailers Warned to Stop Selling Illegal Youth-Appealing E-Cigarettes

FDA issued warning letters to seven online retailers for selling unauthorized e-cigarettes packaged to look like youth-appealing toys and...

Nov 16, 2023

FDA warns retailers to stop selling illegal e-cigarettes that appeal to youth

The Federal Drug Administration issued 15 warning letters Wednesday, Aug. 23 to retailers for selling illegal e-cigarettes packaged for youth.

Aug 29, 2023



Compliance Building





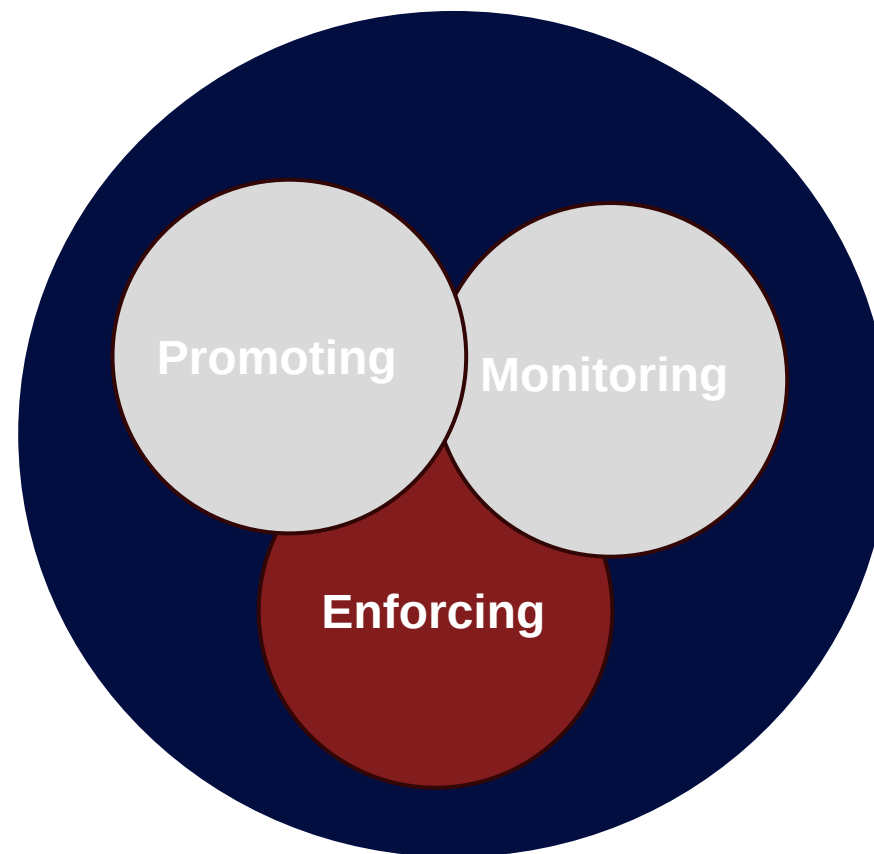
Monitoring



- FDA issues contracts to assist with compliance check inspections of retail establishments.
- Inspections of retailers are conducted to determine compliance with federal law.
- During undercover buy inspections, the retailer is unaware an inspection is taking place.



Compliance Building





Enforcing



Manufacturer



Importer



Distributor



Retailer



Thank You!

partnerships@tobaccofreekids.org



@Campaign for Tobacco Free Kids



@TobaccoFreeKids



@Campaign for Tobacco Free Kids



@TobaccoFreeKids



@tobaccofreekids.bsky.social



@TobaccoFreeKids



Developing an Evidence-Based Tobacco Retailer eLearning Program

Les Hagen, MSN

Executive Director, ASH Canada

Vital Strategies Webinar, October 30, 2025

ash.ca
action on smoking & health

Youth access to tobacco and vaping products



- » Restricting youth access to tobacco is associated with declines in youth tobacco use.
- » *Retail compliance with tobacco access legislation remains problematic.*
- » Youth report relatively easy access to tobacco and vaping products in retail locations.
- » *Tobacco retailer education is **one of three key elements** to reduce youth access*

Best Practices

for Comprehensive Tobacco Control Programs

Recommendations for Preventing Tobacco Use Among Youth^{9,34}

- Increase the unit price of tobacco products.
- Conduct mass-media education campaigns in combination with other community interventions.
- Mobilize the community to restrict minors' access to tobacco products in combination with additional interventions (stronger local laws directed at retailers, active enforcement of retailer sales laws, and retailer education with reinforcement).



**U.S. Department of
Health and Human Services**
Centers for Disease
Control and Prevention



The US *SimSmoke* tobacco control policy model of smokeless tobacco and cigarette use

Levy et al. *BMC Public Health* (2018) 18:696

Table 1 Policy inputs for Cigarette and Smokeless Tobacco in *SimSmoke* Simulation Model (Continued)

Policy	Description	Cigarette Effect Size ^a	Smokeless Tobacco Effect Size ^b
Subsidization pharmacotherapy	Payments to cover pharmacotherapy and behavioral cessation treatment	-2.25% prevalence, +12% cessation ^d	Half
Brief health care provider interventions	Advice by health care provider to quit and methods provided	-1% prevalence, +8% cessation ^d	Half
All of the above	Complete availability and reimbursement of pharmaco- and behavioral treatments, quitlines, and brief interventions	-5.2% prevalence, +43% cessation ^d	Half
Youth Access Restrictions [75]			
Strongly enforced	Compliance checks are conducted 4 times per year per outlet, penalties are potent and enforced with heavy publicity	-16% initiation and prevalence for ages 16–17 and -24% ages < 16 ^d	Half
Well enforced	Compliance checks are conducted regularly, penalties are potent, and publicity and merchant training are included	-8% initiation and prevalence for ages 16–17 and -12% ages < 16 ^d	Half
Low enforcement	Compliance checks are conducted sporadically, penalties are weak	-2% initiation and prevalence for ages 16–17 and -3% ages < 16 ^d	Half
Vending machine restrictions	Total ban	Enforcement effects increase by 8% ^d	Half
Self-service restrictions	Total ban	Enforcement effects increase by 4% ^d	Half
Publicity	Media campaigns directed at youth use	Enforcement effects increase by 10% ^d	Half

^a Unless otherwise indicated, the effects are in terms of the reduction in prevalence during the first year, the reduction in initiation, and increase in first year quit rates during the years that the policy is in effect

^b Effect sizes are relative to cigarette effect sizes and applied to exclusive cigarette use only unless otherwise indicated

^c Elasticities translate into effect sizes through percentage change in price

^d Effect size differs for exclusive SLT and for dual use

Impact of restrictions on youth access

Levy et al.

Youth Access Restrictions [75]

Strongly enforced

Compliance checks are conducted 4 times per year per outlet, penalties are potent and enforced with heavy publicity

–16% initiation and prevalence for ages 16–17 and – 24% ages < 16^d

Well enforced

Compliance checks are conducted regularly, penalties are potent, and publicity and merchant training are included

– 8% initiation and prevalence for ages 16–17 and – 12% ages < 16^d

Attributes of eLearning

- » **Accessibility:** Learners can access content anytime.
- » ***Flexibility:*** *Supports self-paced learning.*
- » **Scalability:** Can reach large audiences.
- » ***Interactivity:*** *Strong learner engagement.*
- » **Multimedia:** Combines text, audio, video, and animations for richer learning experiences.
- » ***Cost-effectiveness:*** *No training staff required.*
- » **Mobile Compatibility:** Smartphones, tablets, etc.

TRAC™ training history

- » Alberta government passed legislation in 2013 mandating tobacco retailer training
- » *Alberta Health provided grant funding to ASH in 2019 to develop a new online training program*
- » TRAC program finalized and pilot tested in 2019/2020
- » *Initial evaluation completed in spring 2020*

Project objectives

1. Develop an online tobacco vendor training program for pilot testing.
2. Pilot test the program among a reliable sample of tobacco retailers.
3. Evaluate the program's usability and impact on users' knowledge.

Program development

- » Exhaustive search of online training programs for age-sensitive products.
- » *Reviewed published literature regarding retailer education programs.*
- » Identified major compliance factors.
- » *Adapted FDA retail training best practices.*
- » Reviewed provincial/national legislative requirements.

FDA Retailer Training Guidance

- » Review applicable laws and penalties
- » *Describe the health effects of youth tobacco use*
- » Provide written company policies
- » *Review age verification techniques*
- » Describe all regulated tobacco products
- » *Refusing illegal sales*
- » Test staff regularly



TRAC™ training attributes

- » Focus on best practices in eLearning, adult education and tobacco retailer training
- » *Utilizes FDA guidelines for tobacco retailer training*
- » Applies *deep-learning* techniques such as immersive simulations, interactions and gamification
- » *Training goes beyond simple adherence to legal requirements (i.e., maximizing compliance)*



Resisting a mean customer

Sometimes a customer can be mean or scary. Always respond clearly and confidently. Ask for assistance, especially from the manager in the store. Let the customer know if you have a video camera that is recording everything. If necessary, use the store's police alarm.



Continue



Other consequences of tobacco use

Tobacco use doesn't just affect people's health. Tobacco use hurts our society, our economy, and the environment.

Select each heading for more information.

- Society
- Economy
- Environment

Alberta driver's licence and ID cards, 2009 design

Many people will still have Alberta ID cards from the earlier 2009 design. You can use the look, feel, and feel test on these cards as well. These are the features on the front of the card.

Look

- Laser engraving wave: The person's name, signature, and date of birth will be laser engraved in a wavy line.
- Black and white photo: The person's photo will be a clear black and white image, not color.
- Physical descriptors: The card will list the person's sex, eye colour, hair colour, height, and weight.

Listen

- The card makes a tin-like sound when dropped on a hard surface.

Feel

- Raised text: Run your fingers over the licence number and date of birth. You should be able to feel the raised letters. Run your fingers near the left side of the card over the photo. There will be close ridges with the date of birth, sex of the person, and driver's licence number that will be hard to see, but you should be able to feel them.



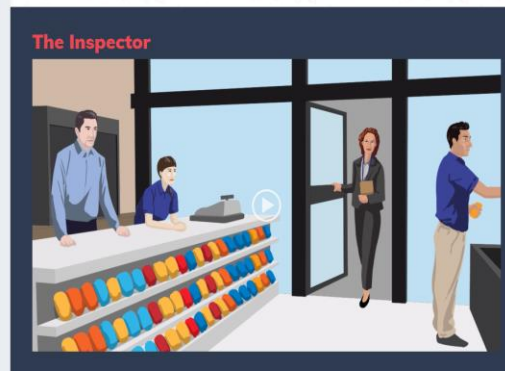
Card back

Here are some of the security features to look for on the back of an Alberta driver's licence:

- Laser-engraved bar code: The top of the card will have a large bar code.
- Enbossing: Run your fingers over the back of the card. There will be a raised area.
- Card version: Near the bottom of the card will be a Canadian flag and a card version in tiny print. The card version will look something like "V2.1".



Continue



The Inspector

Tobacco products are controlled products. There are rules about how stores can sell them and who they can be sold to.

Select the blocks to find out more.



A mixed-methods evaluation of the Tobacco Retailer Advanced Compliance (TRAC) online training (e-learning) program

Fadi Hammal^{1,2}, Les Hagen^{1,2}

ABSTRACT

INTRODUCTION Tobacco vendor training is recognized as an essential element to reduce youth access to tobacco. The TRAC training program was developed utilizing best-practices in tobacco retailer training, adult instruction, and e-learning. The objective of this mixed-methods study is to evaluate the acceptability, usability and knowledge impact of an online tobacco retailer program.

METHODS An interview guide and evaluation questionnaire were used to collect data on usability and acceptability. To test learner knowledge, each module included a final set of 15 questions randomly chosen and posed to participants before and after the training. Content analysis, chi-squared tests, Student's t-tests, and paired tests were utilized for data analysis. The evaluation was conducted in Alberta, Canada in 2020.

RESULTS A total of 128 participants enrolled in the study. The main themes revealed in the qualitative aspect of the evaluation were: the training was easy to navigate, engaging, informative, and beneficial to the staff's daily work. Compared with the pre-training test, a significantly higher post-training test score, mean and (SD), was recorded for clerks who completed the clerk training module [59.1 (12.8) vs 75.5 (11.1), $t=8.6378$, $p<0.001$], and managers who completed the managers training module [51.5 (11.1) vs 73.1 (12.3), $t=7.6446$, $p<0.001$]. Similarly, a higher number of participants achieved the passing score of 80% in the post-training test in all three groups.

CONCLUSIONS The online training was found to be acceptable and effective in increasing the mean individual score in the knowledge test and in increasing the percentage of participants achieving the passing score. The TRAC training is the first known tobacco retailer training course to employ best practices in tobacco retailer training, adult instruction, and e-learning. Further evaluation of long-term outcomes on employee behavior and on overall compliance with tobacco legislation is recommended.

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KEYWORDS

training, youth, access, minor, retailer, tobacco

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INTRODUCTION

Disrupting tobacco sales to minors has shown to be effective in reducing smoking among youth¹. However, the existence of legislation preventing sale of tobacco to minors alone is not sufficient to achieve consistent compliance among tobacco retailers. Evidence suggests that compliance rates among tobacco retailers must be over 90% in order to have any significant effect on youth tobacco use². Tobacco

Conclusions

- eLearning is an effective, easily accessible and inexpensive way to deliver retail training.
- *Modules can be readily deployed and scaled up.*
- The platform should be revised and updated regularly or when laws are amended.
- *Further evaluation is needed to measure the long-term impact on KAB and sales to minors.*

Moving forward

- ASH Canada is making TRAC™ widely available.
- *Prepared to work with any government or regulator to create a custom turn-key platform that reflects state and local laws.*
- The program is based on major compliance factors and can be easily adapted.
- *TRAC™ is designed to help maximize compliance rates and to complement enforcement efforts.*

Questions?

hagen@ash.ca



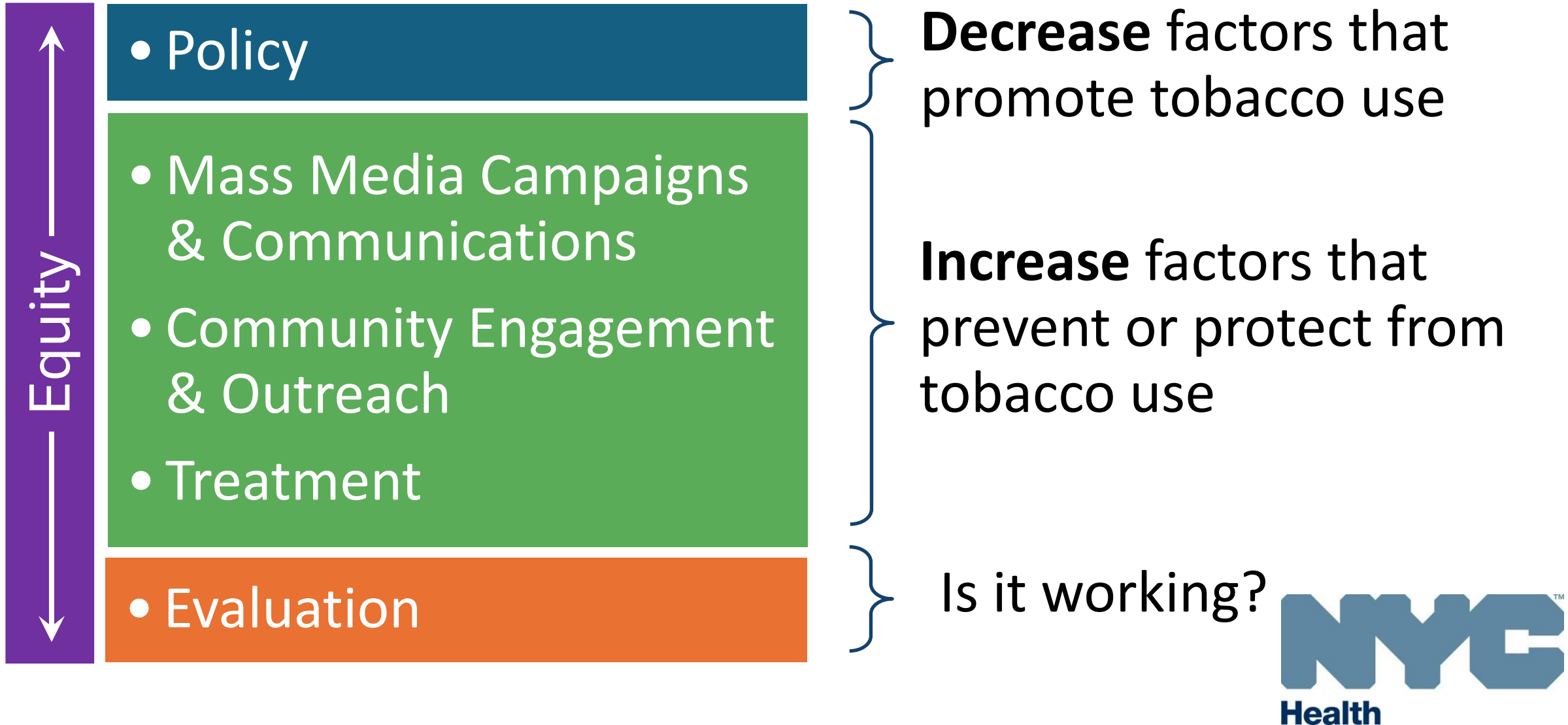
Using data to inform retail interventions and strategies: a case study from NYC

John Jasek, MPA

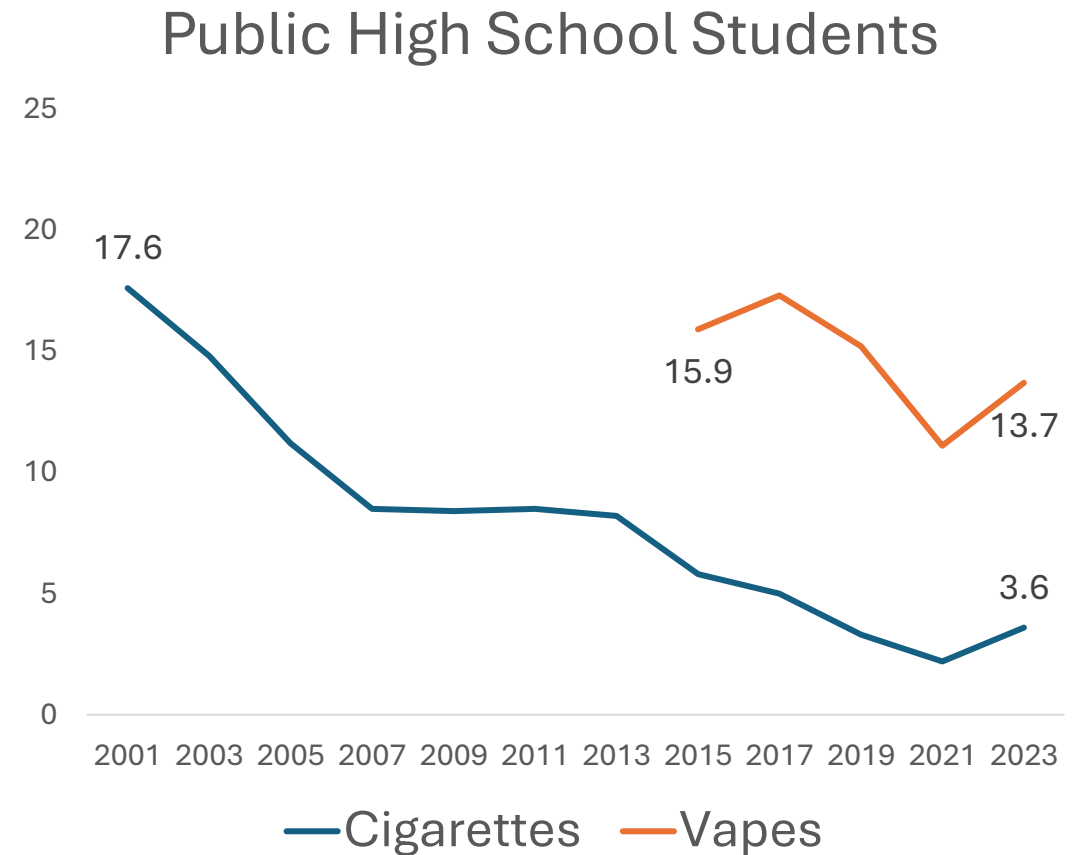
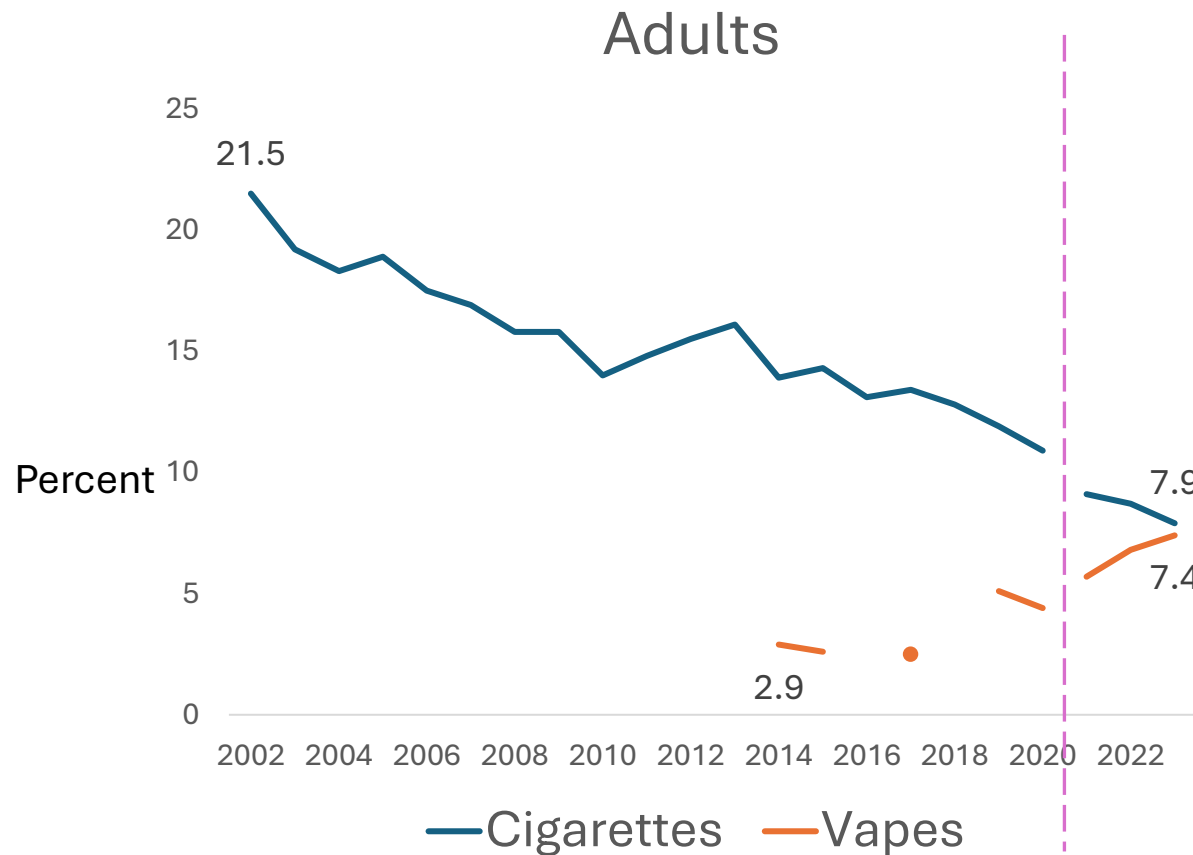
Director of Research and Evaluation

New York City Department of Health and Mental Hygiene

NYC's Five-Point Plan for Tobacco Control



NYC Cigarette Smoking and Vaping



Source: NYC Community Health Survey (age adjusted); methodology changed in 2021, noted by dotted line; Youth Risk Behavior Survey

Key NYC Tobacco Retail Policies

Pricing

- Tax increase (2002, 2018)
- Minimum price (2014, 2018)
- Coupon / discount ban (2014)

Age

- Tobacco 21 (2014)

Licensing

- E-cigarette license, tobacco license fee (2018)
- License cap (2018)
- Pharmacy ban (2018)

Products & packaging

- Flavored (excluding menthol) tobacco ban (2009)
- Flavored e-cigarette ban (2019)
- Package sizing (2014, 2018)

Retail Data Sources

In-store methods:

Retailer Advertising of Tobacco
Surveys

Administrative Inspections

Out of store methods:

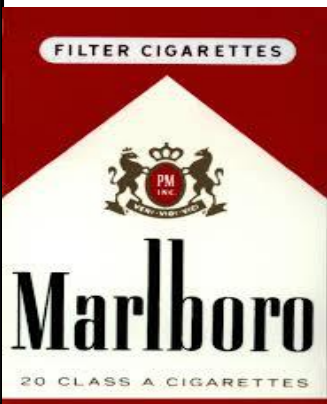
Littered Pack Surveys

Media scans

Listening sessions

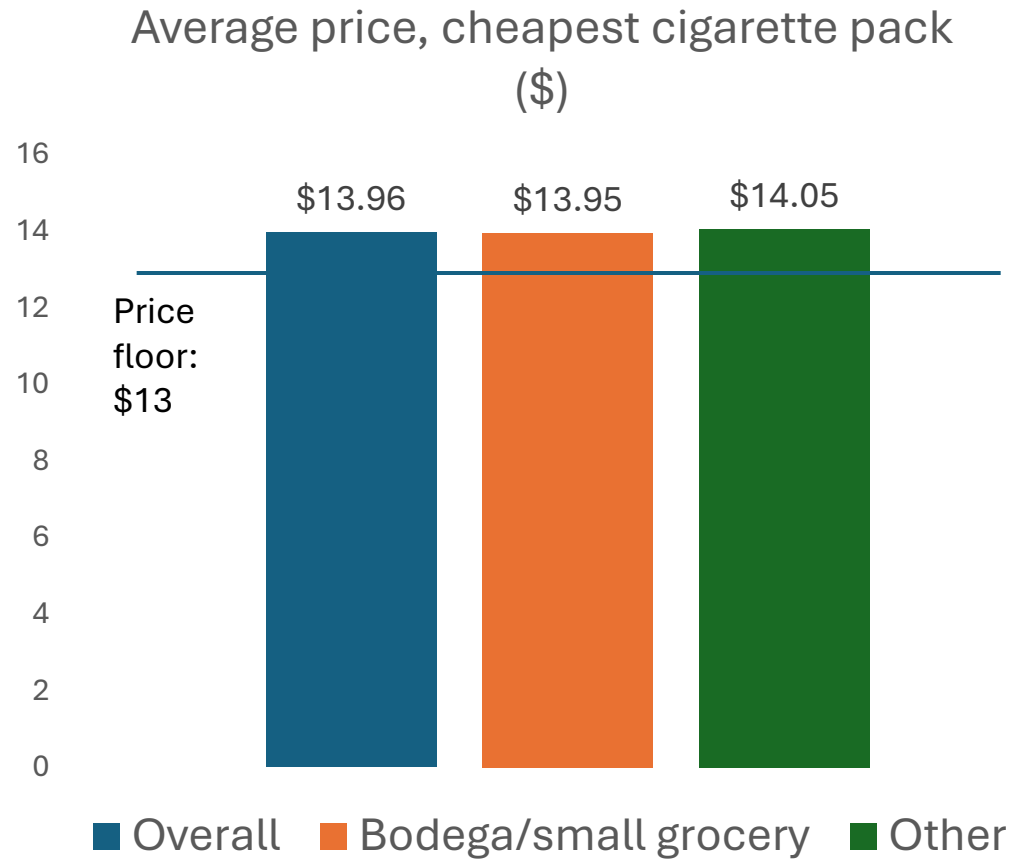
Retail Advertising of Tobacco Survey (RATS)

- Conducted by RTI International
- Sample of 10-20% of licensed retailers
- In-store assessment by trained data collectors
 - Advertising
 - Presence of products
 - Price
 - Signage
- Helpful in evaluating existing policies and identifying new areas of concern

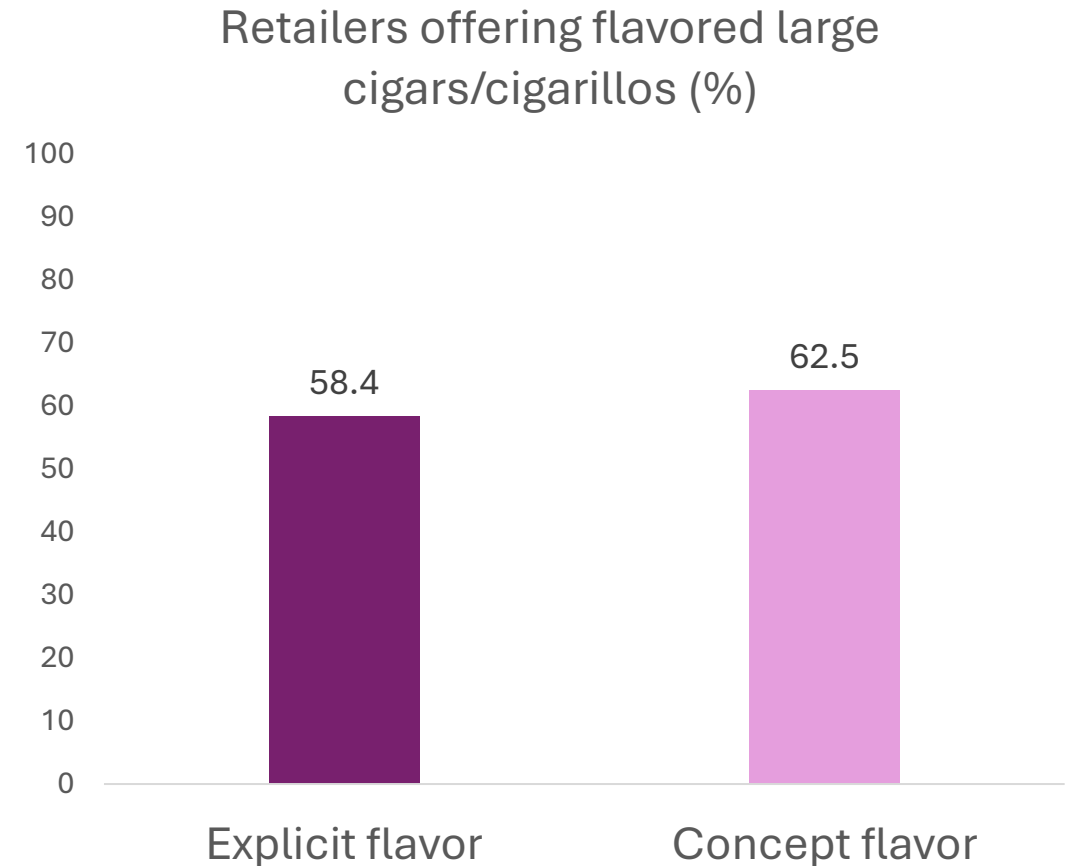
C15. Price for Marlboro Red (regular hard pack)	a. Sold here?		b. Enter single Pack/Item Price
	YES	NO	\$__._

C16. Price for Newport Menthol (regular hard pack)	a. Sold here?		b. Enter single Pack/Item Price
	YES	NO	\$__._

Retailers are more compliant with some policies than others



Source: NYC RATS, 2019



Source: NYC RATS, 2017

Administrative Inspections

- Conducted by NYC Department of Consumer and Worker Protection
- Each licensed retailer inspected at least once annually
- Two main types
 - Underage purchase attempts
 - Routine inspections
- Focused on compliance with existing policies
- Helpful in understanding most common violations and detecting new products



Inspection Checklist: Tobacco Retail Dealers

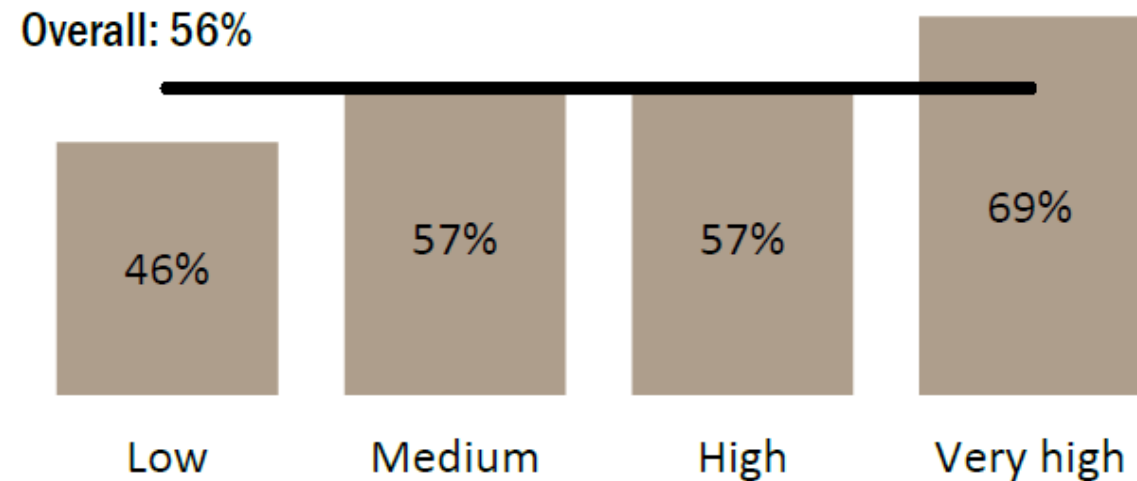


Requirement		Do you meet this requirement?
Flavored Tobacco		
4	It is illegal to sell or offer for sale tobacco products that have or produce a distinguishable taste or aroma, including, but not limited to: fruit, chocolate, honey, vanilla, candy, cocoa, dessert, alcoholic beverage, herb, or spice. It is not illegal to sell products that have or produce the taste or aroma of menthol, mint, wintergreen, or tobacco. NYC Code §17-715(a)	☐ Yes



Violations for selling
flavored e-cigarette
products were more
common in
neighborhoods with
more young residents

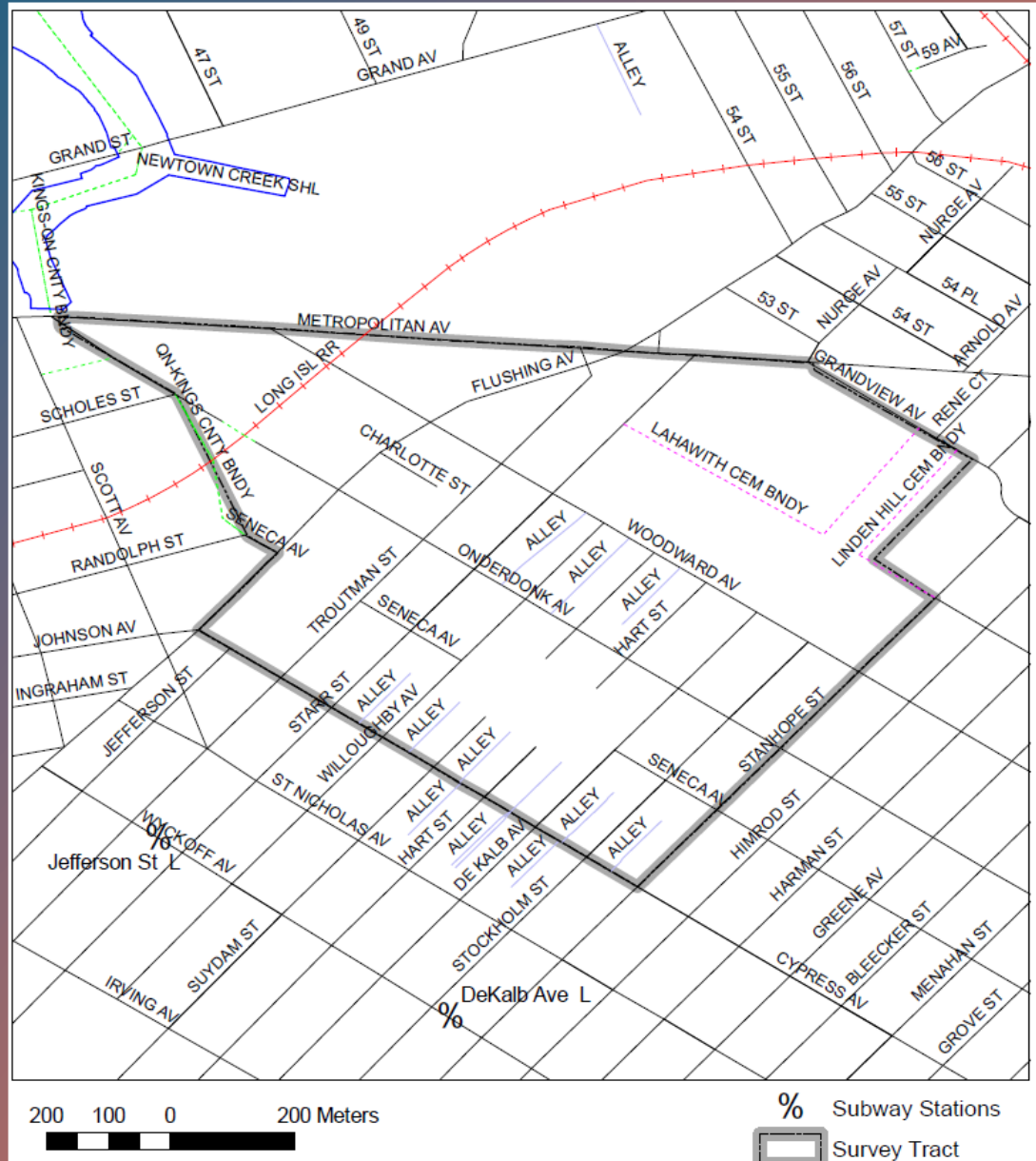
Percentage of retailers found in violation by proportion of residents
ages 24 or younger in New York City neighborhoods, 2023



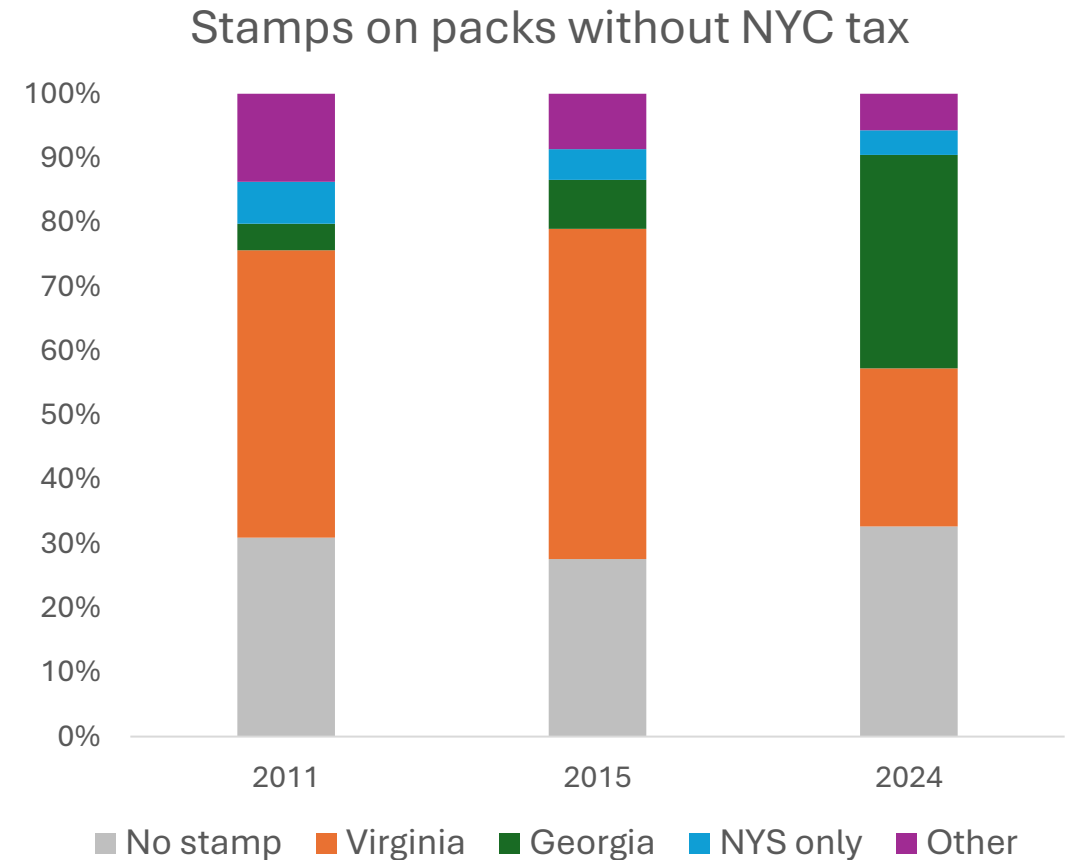
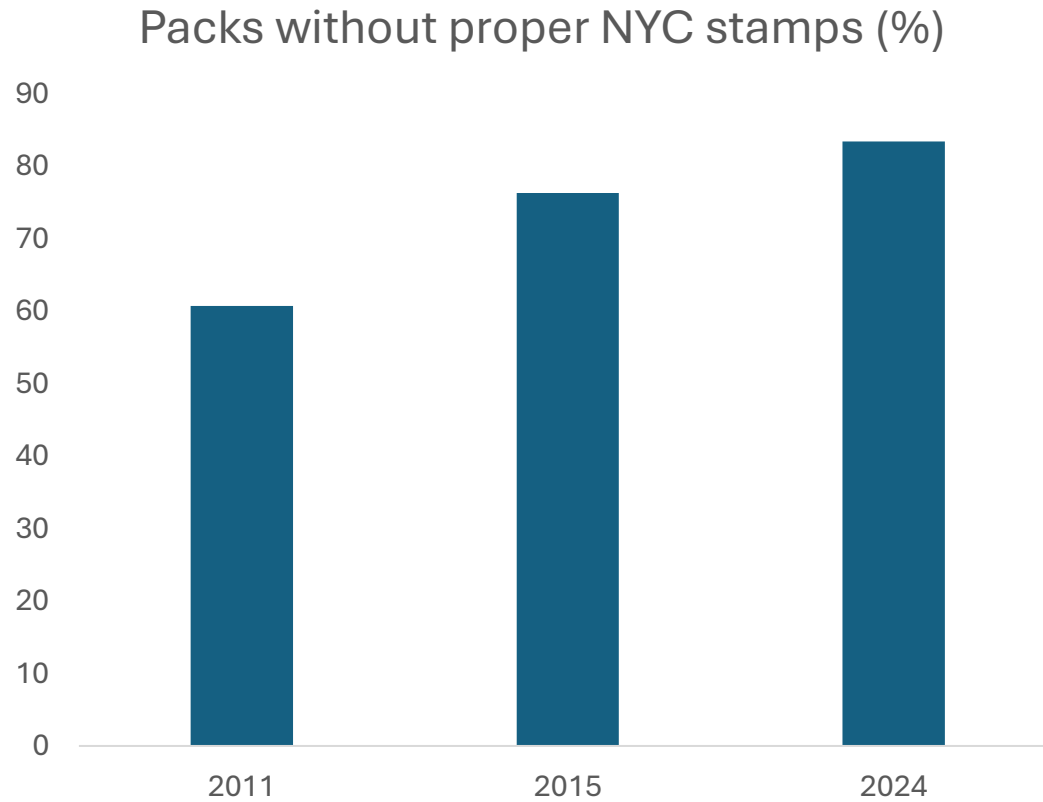
UHF neighborhoods by proportion of residents ages 24 or younger

Littered Pack Survey

- Conducted by RTI and Rutgers INTS
- 30 census tracts sampled
- Surveyors walk perimeter of area:
 - Collect discarded packs
 - Review for presence and origin of tax stamps
- Helpful in assessing influx and availability of cigarettes from outside NYC

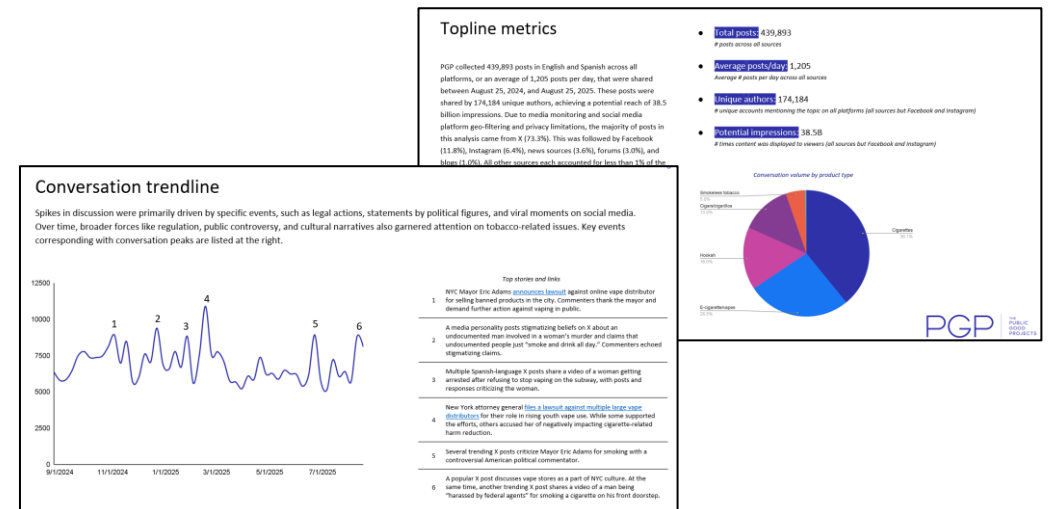


Packs without required stamps are common



Other Data Collection

- Listening sessions
- Meetings with stakeholders and partners
- Media monitoring (NEW!)



Data Informs...

Education

Action Kit for Stores That Sell Tobacco and E-cigarettes

MUST BE AT LEAST 21 YEARS OLD TO PURCHASE TOBACCO AND E-CIGARETTES

Avoid penalties

In Accordance With New York State and New York City Laws, This Store Will:

- Only sell e-cigarette products if they are **tobacco-flavored or unflavored.**

- Only sell tobacco or e-cigarette products for the **required price.** No coupons or discounts.

- Only sell tobacco or e-cigarette products **in person** to individuals in NYC (no delivery).

- Only sell tobacco products in the **required package sizes.** No "loosies."

- Only sell tobacco or e-cigarette products to people who are **at least 21 years old** and show valid ID.

NYC Health

What New Yorkers Need To Know about Tobacco, E-Cigarette and Cannabis Stores in NYC

The NYC Health Department shares residents' concerns about tobacco, e-cigarette (vape) and cannabis (marijuana) stores in NYC, including the number of stores that are unlicensed or illegally selling products, especially to youth. This document describes some laws related to tobacco, e-cigarette and cannabis product sales and what to do if you see an issue.

What are the NYC and New York State (NYS) laws about selling tobacco and e-cigarette products?

- Stores need a license to sell tobacco or e-cigarette products.
- Among other restrictions, stores are **not allowed to**:
 - Sell any flavored vaping products or sell tobacco products in flavors other than mint or menthol.
 - Sell loose cigarettes ("loosies").
 - Sell to people younger than age 21.
- Tobacco and e-cigarette stores within 500 feet (approximately two short blocks) of a school are prohibited from displaying tobacco or e-cigarette ads, products or paraphernalia in their windows or signs.

To learn more about tobacco and e-cigarette laws, visit nyc.gov/health and search for "tobacco and e-cigarette laws".

Selling cannabis?

New York State requires anyone who wants to sell cannabis products. Licensed dispensaries sell products through a lab.

If you're a dispensary, you must have a teal Dispensary Verification Tool in their window that directs to a list of all licensed dispensaries, [tobacconyc.org/dispensary-location-verification-tool](https://www.tobacconyc.org/dispensary-location-verification-tool).

Dispensaries are required to display cannabis products or images of cannabis products in their windows.

Adults age 21 and older to have and use.

Cannabis is not allowed to be located within 500 feet of a school or place of worship.

To learn more about cannabis laws, visit cannabis.nyc.gov.

Cannabis sale issues in my neighborhood?

If you have concerns about cannabis sales, contact your local agency's enforcement and policy changes.

For more information about tobacco or e-cigarette sales, call 311 or visit nyc.gov/311 and [submit a complaint or e-cigarette sale complaint](#).

Your complaint can help inspectors find the store and the issues. Once we receive your information, you will receive updates about your complaint.

NYC Health

For more information, call 311 or visit nyc.gov and search for tobacco laws.

GOT ID?

Policy Enforcement and Development



Mayor Adams Ships 1,246 Pounds of Seized Illegal Vapes to be Destroyed and Keep New Yorkers Safe

October 16, 2024

METRO

NYC files lawsuit against company allegedly illegally peddling flavored vapes to kids: 'Will not sit idly by'

By **Aneeta Bhole**
Published Nov. 7, 2024, 5:07 p.m. ET

TOBACCO

New York City Files Lawsuit Against 9 Disposable E-Cigarette Distributors

Mayor Eric Adams says popular vapes are illegal, include youth-attracting flavors

By **Diane Adam** on Apr. 09, 2025



Acknowledgements

- NYC Department of Consumer and Worker Protection
- RTI International
- Rutgers Institute for Nicotine and Tobacco Studies
- The Partnership for Healthy Cities
- The Public Good Projects