

Tips for Effective Tobacco Retail Licensure Messaging

- ▶ **Explain that it is still too easy for retailers to sell tobacco products to kids.** Even though the legal sales age for tobacco is 21, most youth are not refused sale when trying to buy them. Tobacco companies compound this problem by spending billions of dollars on product sales and promotions in retail settings.
- ▶ **Describe how tobacco products are sold by many types of retailers.** Tobacco retailers include any place of business where tobacco products are sold to the public—including locations such as grocery stores, pharmacies, tobacco product shops, kiosks, convenience stores, bodegas, and gas stations.
- ▶ **Convey the importance of knowing where tobacco products are being sold.** Without knowing where products are being sold, retailers cannot be held responsible for following tobacco laws. Tobacco retailers are often located close to schools and highly concentrated in communities of color. Tobacco companies intentionally market and sell their products in these settings to addict new users and prevent current users from quitting.
- ▶ **Discuss the benefits of tobacco retail licensure as part of a comprehensive tobacco control strategy.** Strong tobacco retail licensing laws can help ensure that retailers do not sell tobacco products to youth. By holding retailers accountable, these laws are more likely to ensure retailers train their employees to comply with all federal, state, and local tobacco laws.
- ▶ **Emphasize the need for penalties that hold retailers accountable for following tobacco laws, rather than youth or clerks.** Youth should not be penalized for the purchase, use, or possession of products, which tobacco companies spend billions of dollars each year marketing to them in predatory ways. Rather, retailers should be held accountable to ensure their clerks are properly trained to comply with all tobacco laws, including the minimum legal sales age.

Overarching Messages in Support of Tobacco Retail Licensure

- ★ We need a strong tobacco retail licensure program as a central part of our strategy to effectively enforce tobacco laws and prevent youth access to harmful tobacco products.
 - **[Preventing Youth Tobacco Use]** Tobacco products are sold seemingly everywhere—grocery stores, gas stations, convenience stores—making it far too easy for kids to obtain cigarettes, flavored cigars, snuff, and e-cigarettes. Too many youth are using tobacco products—including e-cigarettes—and tobacco companies continue to aggressively market these products to young people. We need to do more, not less, to keep these dangerous and addictive products away from kids. A strong tobacco retail licensing program reduces youth access to tobacco products by ensuring compliance and enforcement of laws that reduce youth tobacco use.
 - **[Enforcement of Tobacco Laws | Compliance and Accountability]** With strong retail licensure requirements, tobacco retailers and the tobacco industry can be held accountable for violations of tobacco control laws. These requirements allow [local/state] officials to know where tobacco products are being sold and give officials stronger oversight through regular compliance checks. Fees collected from retail licensing ensure funding for compliance checks and enforcements of tobacco laws without additional costs to taxpayers.
 - **[Public Health]** A key part of protecting people's health is reducing the overwhelming presence and influence of tobacco companies in [locality/state].
 - **[Targeted Marketing]** Tobacco companies spend billions of dollars every year on ads and marketing in retail settings, offering price discounts and promotions on products sold in gas stations, convenience stores, and other retailers. These aggressive tactics hook kids on tobacco products and make it harder for current tobacco users to quit. Retail licensure protects kids from predatory tobacco companies.
 - **[Health Equity]** Tobacco companies target advertising dollars and price discounts toward Black and Hispanic communities. Tobacco retailers are also heavily concentrated in these communities. Strong retail licensure requirements can improve the health of these communities by ensuring that federal, state and local tobacco control laws are being followed and could allow communities to limit the number of retailers that sell tobacco products, ensuring fewer of them are located in communities of color.

In-depth messages per topic are provided on additional pages.

Definitions

Tobacco retail licensing (TRL): A powerful tobacco control tool that enables communities to set limits on the location, number, and types of stores that sell tobacco products. TRL requires every store that sells tobacco products to apply for a special license. It sets a standard for how these businesses operate and allows governments to monitor where tobacco products are being sold and who they are being sold to.

Tobacco retailer: Any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation that owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not refer to the non-management employees of any tobacco retail establishment.

Retail density: Refers to the number of stores that sell tobacco products in one area. There tend to be more tobacco retailers in low income and minority neighborhoods, fueling disparities in tobacco use and its associated health effects. With tobacco retail licensing, communities can limit the number of stores that sell tobacco products in their area.

Zoning: Determines where tobacco products can and can't be sold. Zoning establishes how land is used and for what purposes. It is often used to prevent tobacco products from being sold in residential and school zones.

Language to Emphasize/Language to Avoid

Messages that resonate best are clear and simple. They use everyday language free of jargon and communicate shared values and emotion. Below you'll find a list of words/phrases the American Heart Association encourages you to use (left-hand column) when talking about flavored tobacco. Language in the right-hand column includes terms and phrases not as easily understood or impactful when looking to engage your audience.

Use This Language	Instead of This Language
✓ Legal sales age	✗ Legal purchasing age
Because...We want to focus the responsibility on the retailers selling tobacco products, not criminalizing young people for purchasing tobacco products.	
✓ Tobacco retailers, including grocery stores, gas stations, and convenience stores	✗ Tobacco retailers or places where tobacco products are sold
Because...Examples of tobacco retailers will help establish a more expansive definition of the different types of places where tobacco products are easily available for purchase.	
✓ Strong retail licensure requirements	✗ More regulations on retailers
Because...Emphasizing requirements that retailers need to follow may limit counter arguments about existing regulations already being sufficient. "Strong" can also help convey that existing tobacco control efforts are insufficient.	
✓ Laws that criminalize youth for purchasing, using or possessing tobacco products	✗ PUP laws, Purchase, Use and Possession laws
Because...Laws that place the penalties of youth tobacco use on the youth have had the unintended consequence of placing youth in the criminal justice system. Black and Hispanic youth report higher citation rates than their white peers even after accounting for smoking frequency.	
✓ Tobacco companies	✗ Big Tobacco, tobacco industry (unless providing a contemporary or specific example)
Because...To tobacco control advocates, phrases like Big Tobacco and the tobacco industry are fairly clear. To the public, however, they are more abstract and may just sound vaguely nefarious. For the most part, Big Tobacco or tobacco industry should be used only when providing a contemporary or specific example. There may be geographic exceptions, though (e.g., Kentucky).	
✓ Tobacco products, like cigarettes, e-cigarettes, chewing tobacco, and snuff	✗ Tobacco products
Because...Including examples when possible can help expand the public's definition of different product types.	
✓ Tobacco use, e-cigarette use	✗ Smoking, vaping
Because...The terms smoking and vaping place the focus on personal behavior (individuals just need to quit smoking or vaping) rather than supporting public policy change to address tobacco use.	
✓ E-cigarettes, such as vapes or Juul (may use as description)	✗ Vapes, Juul (do not use independently or as substitute for e-cigarettes)
Because...We recommend referring to the product category, as a whole, and then using specific examples as a description when needed.	

Preventing Youth Tobacco Use

- ★ Tobacco products are sold seemingly everywhere—grocery stores, gas stations, convenience stores—making it far too easy for kids to obtain cigarettes, flavored cigars, snuff, and e-cigarettes. Too many youth are using tobacco products—including e-cigarettes—and tobacco companies continue to aggressively market these products to young people. We need to do more, not less, to keep these dangerous and addictive products away from kids. A strong tobacco retail licensing program reduces youth access to tobacco products by ensuring compliance and enforcement of laws that reduce youth tobacco use.
- **[Ease of access]** It is far too easy for kids to buy dangerous and addictive tobacco products. In fact, middle and high school students report buying e-cigarettes in places like gas stations and convenience stores, and most retail stores do not refuse sales of tobacco products to youth. Strong retail licensure requirements will make it harder for kids to obtain any type of tobacco products by ensuring regular compliance checks and subjecting retailers to financial penalties for noncompliance that escalate with each infraction, with the possibility of losing their license to sell tobacco products.
- **[Influence of tobacco companies]** Tobacco companies intentionally advertise in places where kids regularly gather and shop. Through compliance checks, retailers are more likely to follow all federal, state, and local tobacco laws restricting the sale of flavored tobacco products and preventing sales to underage youth, including those requiring tobacco products to be kept behind the counter. Strong retail licensure requirements are a proven way to keep tobacco companies and their dangerous products away from kids.
- **[Product availability]** Tobacco companies continue to target youth with their products and marketing including selling tobacco products in candy, fruit, and minty menthol flavors in gas stations, convenience stores, and grocery stores. Strong retail licensure requirements ensure that we know where tobacco products are being sold and that retailers comply with all federal, state, and local tobacco laws—including laws that prevent the sale of flavored tobacco products to youth—by establishing regular compliance checks and penalizing retailers for noncompliance.
- **[Proximity to schools]** Tobacco companies deliberately make it easy for kids to buy their dangerous and addictive products. Many tobacco retailers are located near public schools, but tobacco retail licensing can change that. For example, after Philadelphia implemented strong retail licensure requirements, the number of tobacco retailers located near schools dropped significantly.
- **[Youth tobacco use in rural communities]** The US has steadily expanded tobacco protections since 1964—with less smoke in the air and fewer advertisements for harmful products as a result. But these public health protections are less likely to cover the places where rural people live, learn, work, and play, exposing kids to dangerous and addictive tobacco products. Kids in rural communities begin smoking cigarettes earlier in life, and daily smoking is more likely common among kids in rural areas than among their peers in suburban and urban areas. Rural communities have found success in community-level tobacco control strategies, including tobacco retail licensing. Tobacco retail licensing, in particular, has been an effective way to decrease tobacco use by limiting the number and location of tobacco retailers.

Enforcement of Tobacco Laws | Compliance and Accountability

- ★ With strong retail licensure requirements, tobacco retailers and the tobacco industry can be held accountable for violations of tobacco control laws. These requirements allow [local/state] officials to know where tobacco products are being sold and give officials stronger oversight through regular compliance checks. Fees collected from retail licensing ensure funding for compliance checks and enforcements of tobacco laws without additional costs to taxpayers.
- **[Effectiveness]** Research has shown that compliance is most effective when the tobacco retailer or license holder is held accountable, rather than non-management employees, who are often low-wage clerks, or the youth who purchase tobacco products. Penalties must be levied on the retailer or license holder, with penalties escalating with each violation and the final penalty of revocation of the license.
- **[Eliminate youth penalties]** Kids should not be penalized for purchase, use, or possession of harmful products that have been aggressively marketed and illegally sold to them. Strong tobacco licensure requirements shift penalties for ignoring tobacco control laws from youth to retailers. These requirements allow [local/state] officials to track where tobacco products are being sold and by whom, and to enforce compliance with federal, state, and local laws.
- **[Eliminate youth penalties – social justice]** When laws target youth, Black and Hispanic youth report higher citation rates than their white peers, even after accounting for smoking frequency. These findings mirror disparities recorded throughout criminal justice and school disciplinary systems. By holding retailers accountable for following the law, this disparity in enforcement is eliminated, and fewer youth will have law enforcement violations that can impact their chances of success for years to come on their records.
- **[Eliminate clerk penalties – social justice]** It is important that penalties for failing to follow tobacco control laws are levied on the license holder rather than non-management employees who are likely low-wage earners and unable to afford financial penalties. By holding the retailer accountable for fees and fines, proper training on tobacco control laws is more likely to take place.
- **[Accountability]** Retailers must follow all tobacco laws. This includes enforcing the federal law that makes it illegal to sell tobacco products to any person under age 21. Tobacco retailer licensing is a proven way to ensure retailers stop selling tobacco products to kids.
- **[Compliance checks]** Many retailers are failing to comply with tobacco control laws that make it illegal to sell tobacco products to anyone under age 21. By funding compliance checks, strong retail licensure requirements are a proven way to ensure retailers do not sell dangerous tobacco products to kids.

Public Health

- ★ A key part of protecting people's health is reducing the overwhelming presence and influence of tobacco companies in [locality/state].
- **[Establishing/enhancing]** Tobacco retail licensing laws will allow our communities to: ensure retailers adhere to sales age restrictions; set limits on the number of retailers and locations where tobacco products can be sold; and enforce payment of applicable tobacco taxes. Moreover, the fees charged for obtaining a license to sell tobacco products can help fund enforcement measures and other tobacco control efforts.
- **[Reduce youth tobacco use]** Most adults who use tobacco products started by age 18. That's why we need to do everything possible to keep tobacco products away from youth. Strong retail licensure requirements are a proven way to prevent kids from obtaining tobacco products, including products like e-cigarettes that are specifically targeted to them on social media. Retail licensing requirements improve compliance with the minimum legal sales age and other critical tobacco sales regulations, which helps keep kids from using these dangerous and addictive products.
- **[Baseline standard]** Most states and many cities require a license to operate a tattoo parlor, manage a hair or nail salon, sell alcohol, and other activities that might adversely affect public health. Yet retailers in [locality/state] don't [require a license/face strong licensing requirements] to sell dangerous and addictive tobacco products. [Tobacco retail licensure/Strong retail licensure requirements] establish a baseline set of standards for all retailers to follow and is consistent with our commitment to protecting the health and safety of our communities.
- **[Retailer clarity]** Tobacco retail licensure is among the most effective tools to prevent and reduce tobacco use among both youth and adults. Requiring retailers to obtain a license makes it clear who is selling tobacco products and makes it harder for retailers to sell tobacco products to youth.
- **[More tobacco retailers = more health risks for kids]** The health risks to individuals and families increases when there are more places to buy tobacco products locally. Communities with a high number of tobacco retailers are at greater risk of youth using dangerous and addictive tobacco products. In these communities, it is also harder for those already using tobacco products to quit. Strong retail licensure requirements can reduce the number of places where tobacco products are sold, which makes it easier to keep these products away from kids.
- **[Public health in rural communities]** Rural communities face a disproportionate burden of health harms from tobacco use. States with higher proportions of rural residents tend to have less robust smoke-free air and tobacco control policies, leading to higher rates of tobacco use among both adults and kids. While cultural and economic factors can make it challenging to implement tobacco control strategies in rural areas, rural communities that have adopted local-level tobacco retail licensing found that it's a proven way to decrease tobacco use.

Targeted Marketing

- ★ Tobacco companies spend billions of dollars every year on ads and marketing in retail settings, offering price discounts and promotions on products sold in gas stations, convenience stores, and other retailers. These aggressive tactics hook kids on tobacco products and make it harder for current tobacco users to quit. Retail licensure protects kids from predatory tobacco companies.
- **[Ad spending]** Tobacco companies increased how much they spend on ads and marketing by almost 40% between 1998 and 2018. That includes billions of dollars spent on price discounts and promos in retail settings. These tactics normalize tobacco use, promote flavored products, and trigger impulse purchases. Strong retail licensure requirements can cut down on these schemes by reducing the number of places that sell tobacco products and preventing tobacco companies from illegally marketing their products to youth.
- **[Ad spending 2]** Tobacco companies spend more than \$9 billion annually—that’s more than \$1 million dollars every hour of every day—on advertising and marketing to support sales of their products. These tactics normalize tobacco use, promote flavored products, and trigger impulse purchases. Strong retail licensure requirements can make these schemes far less effective by cutting down on the number of places that sell tobacco products and preventing tobacco companies from illegally marketing their products to youth.
- **[Accountability, not incentives]** Companies spend billions of dollars on marketing and advertising to retailers, including marketing and advertising in gas stations and convenience stores. This incentivizes retailers to sell their products. Without strong tobacco retail licensure requirements, tobacco companies will continue to target youth, as well as Black and Hispanic populations, by marketing and promoting their dangerous and addictive products.

Health Equity

- ★ Tobacco companies target advertising dollars and price discounts toward Black and Hispanic communities. Tobacco retailers are also heavily concentrated in these communities. Strong retail licensure requirements can improve the health of these communities by ensuring that federal, state and local tobacco control laws are being followed and could allow communities to limit the number of retailers that sell tobacco products, ensuring fewer of them are located in communities of color.
- **[Retail density]** Tobacco companies work hard to expose specific groups - whether it be kids, low-income communities, or Black and Hispanic communities - to ads and marketing for their products. Ads for tobacco products are particularly prevalent in the places where these groups live, learn, work, and play due to a greater concentration and high number of tobacco retailers. Retail licensure ensures tobacco retailers are following federal, state, and local laws, as well as allows communities to set limits around number of places that can sell tobacco products.
- **[Urban public schools]** In cities across the country, tobacco companies intentionally sell and market their products near public schools to hook kids. Tobacco marketing is actually more common at retailers where teens shop. Strong retail licensure requirements ensure that federal, state and local tobacco control laws are being followed and could allow communities to reduce the number of places where tobacco products are sold.
- **[Effective]** The more places in a community that sell tobacco products, the higher the chances that kids will obtain and use these dangerous products. Tobacco retail licensure is a proven way for communities to reduce the number of places that sell tobacco products. Three years after Philadelphia implemented strong retail licensure requirements, retail density in the city dropped by 20%.