

Commissioner's Column

Enforcing Tobacco Regulations

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In New York State, more than 20,000 adults die each year as a consequence of smoking tobacco. One in every five deaths is attributable to smoking. Tobacco accounts for nearly one third of all cancer deaths. Nicotine, the drug found in tobacco, is as addictive as heroin, cocaine, and alcohol. It causes a narrowing of blood vessels, forcing the heart to work harder and raising blood pressure.

Addiction to cigarette smoking usually takes hold during adolescence. Approximately 80% of adult smokers in America began smoking before the age of 18. The Westchester County Department of Health is committed to reducing the burden of tobacco-related death and disability by helping to prevent tobacco addiction from occurring in young people. Tobacco control regulations, such as the Adolescent Tobacco Use Prevention Act (ATUPA) which prohibits the sale of tobacco products to minors under the age of 18, are rigorously enforced by Health Department personnel.

There are an estimated 2.6 million smokers in the United States that are 12 to 17 years of age and about 1.5 million, or 58%, of those adolescent smokers usually buy their own cigarettes. Nationwide, adolescents are successful in purchasing tobacco over the counter more than half the time, on average.

The goal of the ATUPA program is to prevent addiction by stopping the sale of tobacco products to minors. To accomplish this, Westchester County Health Department inspectors regularly conduct compliance checks at stores that sell tobacco products. These compliance checks are made with a student minor who attempts to purchase tobacco products. If the vendor sells tobacco to the minor, a notice of violation is issued on the spot and the tobacco product is retained as evidence. An administrative hearing is conducted and, if the Board of Health determines that a violation of law has occurred, a civil penalty is assessed. The store's license to sell tobacco and/or lottery tickets may be suspended. At the conclusion of the hearing, tobacco vendors are made aware of the Department-sponsored Tobacco Training Program, which educates employees on the hazards of tobacco use and ways to assure that sales to minors are curtailed.

The ATUPA program has been very successful in reducing tobacco sales to minors. In 1997, 52% of tobacco vendors sold cigarettes to student minors who were working undercover for the Health Department. In 2005, the rate of tobacco sales to minors has dropped to two percent. This reduction comes with no small effort. Teams of inspectors and student minors conduct tobacco sting operations three nights a week, 12 months a year. Approximately 3,000 tobacco compliance inspections are conducted annually. It is only through this continuing enforcement effort that the rate of tobacco sales to minors remains at two percent.

The effects of secondary smoke also pose a threat to the health of the residents of the County. The Surgeon General's 1984 report on smoking hazards for the first time linked high levels of involuntary smoke exposure to reduced breathing ability in passive smokers, buttressing the need to provide more protection to nonsmokers in public settings. Recent findings by the federal Environmental Protection Agency (EPA) make clear that secondhand smoke is a human carcinogen responsible for 3,000 lung cancer deaths each year in non-smoking adults. The EPA has concluded that exposure to environmental tobacco smoke increases the risks of respiratory and middle ear diseases in children, contributing to between 150,000 and 300,000 cases of bronchitis and pneumonia in infants and young children each year. Further, exposure to environmental tobacco smoke significantly worsens the condition of 200,000 to 1,000,000 asthmatic children and contributes to new cases of asthma in once-healthy children.

(Continued on next page)

Commissioner's Column *(Continued from previous page)*

Non-smoking individuals who are subject to secondhand smoke at their places of employment often have no practical alternative but to suffer the exposure if they wish to keep their jobs. In an effort to protect the health of those individuals, Westchester County enacted the Smoke-Free Worksite Law to improve indoor air quality in places of employment. This local law places reasonable limitations on smoking within the County while striking a balance between the health needs of all non-smoking individuals, the rights of smokers, and the imposition of regulatory burdens on business.

Department of Health sanitarians enforce the Smoke-Free Worksite Law by conducting unannounced inspections at facilities throughout the County, generally in response to complaints from Westchester residents. When violations are issued, respondents must appear at an Administrative Hearing and a civil penalty is usually recommended. Follow-up inspections are performed in an effort to ensure continued compliance with the law.

Through the ATUPA program and the Smoke-Free Worksite Law, the Westchester County Department of Health is proactively working to protect the public from the health risks of tobacco use. However, legislation can only accomplish so much. Children who are determined to smoke may find alternative ways to acquire tobacco.

Physicians in Westchester can play a key role in the effort to reduce tobacco addiction by taking every opportunity to reinforce an anti-smoking message among their patients and by referring patients to the Westchester County Health Department or other sources of assistance with smoking avoidance and cessation. No one should be left unaware of the health risks of tobacco use and the immediate health benefits of smoking cessation. ♦

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