

## POLICY BRIEF

# Tobacco Retail Proximity and Density

### Key Points

- Tobacco use is a persistent challenge for Douglas County communities. For example, 25% of 10<sup>th</sup> and 12<sup>th</sup> graders in Douglas County report having used e-cigarette or vaping products.
- The City of Lawrence, within Douglas County is considered a tobacco swamp – meaning that the density of retailers to is high. 20% of schools within Lawrence have 10 or more retailers within easy walking distance.
- Communities where opportunities for healthier choices outnumber opportunities for unhealthy are important for well-being and quality of life.
- Policies which limit tobacco retail by population density and proximity to schools are an important part of the solution.

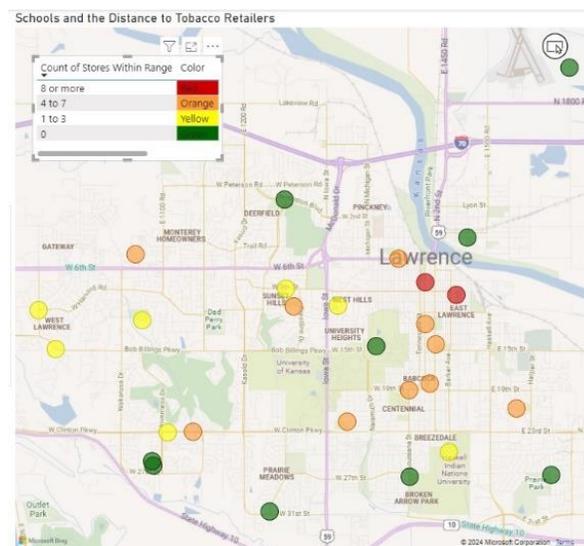
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**Tobacco use is a persistent and significant health problem** by the Centers for Disease Control and Prevention (CDC). <sup>[1]</sup> Data from the Communities that Care Survey of high schoolers suggest that **as many as one in four 10<sup>th</sup> and 12<sup>th</sup> graders have used e-cigarettes or vaped**. In addition to this being a health problem, the density of tobacco retailers in a community can significantly contribute to the number of individuals who use tobacco products in that community. Lawrence is not immune to these problems and has a significant number of tobacco retailers within city limits, with new retailers opening every day. As such, the concern of in-county travel from Eudora to purchase tobacco products and the increase of tobacco retailers in Eudora remains a top health concern. Limiting the density of tobacco retailers and their proximity to schools through zoning ordinances is a beneficial and cost-effective way of limiting tobacco usage.

**Lawrence, KS is considered a tobacco swamp.** Tobacco swamps are areas that have a significant number of tobacco retailers in a small area <sup>[2]</sup>. As such, in 2023, the city of Lawrence implemented a Tobacco Retailing Licensing program through Lawrence-Douglas County Public Health (LDCPH) <sup>[3]</sup>. The licensing program requires all tobacco retailers within city limits to purchase a license from LDCPH to operate. LDCPH implements compliance checks with retailers to ensure that they are following licensing guidelines. These guidelines include stipulations that tobacco can only be sold to individuals over the age of 21.

In 2023, Kansas passed a law that prohibited the sale and possession of tobacco products to anyone under the age of 21. This law creates a legal precedent for fines for both users and retailers and provides more enforcement power for the success of the licensing program.

Currently, there are more than 70 licensed retailers in Lawrence. **In some areas of Lawrence, there are 6.7 tobacco retailers per 1,000 people.** The map to the right



Map produced by the University of Kansas Medical Center on behalf of Lawrence-Douglas County Public Health.

shows that two public or private schools have eight or more retailers within ½ a mile and 10 schools between four and seven retailers within ½ a mile.

### **As other Douglas County Communities grow, will tobacco retail grow too?**

The city of Eudora anticipates growth related to the Panasonic Battery Plant development. This includes growth in population and business. Eudora also has a high rate of tobacco users at 15%<sup>[4]</sup>. With the expected growth of the industry, there is an increased risk for tobacco usage to get even higher. Tobacco usage can contribute to negative health outcomes such as high blood pressure and higher rates addiction<sup>[5]</sup>. Limiting access to tobacco products remains one of those most effective tools to improving overall health and reducing tobacco consumption over time.

### **The Solution: Tobacco Retailer Proximity and Density Policies**

The current. Tobacco density policies, in the form of zoning ordinances, regulate the number of tobacco retailers that can be in one area at a time.<sup>[6]</sup> Many times, these ordinances also regulate the specific number of miles that a retailer needs to be away from a school or daycare. These policies are effective at preventing not only growth in the industry but also limiting the number of people who use tobacco products. Reducing tobacco swamps can have overall positive health benefits to communities and have been implemented successfully into other communities in Kansas,<sup>[7]</sup> including Shawnee, KS, who implemented this policy in 2019. The policy in Shawnee maintained legacy retailers and focuses on businesses seeking licensure. It has curtailed significant growth of retailers within the city. The city of Mission also implemented a similar policy in 2023.

### **Recommendation**

Addressing youth access to tobacco is a critical need in our community. To create health communities in Douglas County, the following are solutions which deserve consideration and attention:

**Recommendation 1:** Adopt policy which limits the establishment of new tobacco retailers within ½ a mile of a public or private school in Lawrence. This policy would acknowledge legacy retailers, while also not allowing more retailers into an already crowded market.

**Recommendation 2:** To prevent Eudora, KS from becoming a tobacco swamp, the city of Eudora could adopt a policy which establishes a tobacco retail licensing program and establish a zoning ordinance that regulates the location of new tobacco retailers and restricts them from being within a ½ a mile of schools and early childhood care and education facilities.

**Implementing these recommendations will help create healthier communities in Douglas County.**

## **Important terms**

**Proximity:** Refers to the allowable distance between a specific kind of settings and tobacco retailers. Some communities have created proximity restrictions requiring specific distances from schools, churches, parks, and early childhood care and education centers.

**Density:** Refers to the total population or the population by age per tobacco retailer. There is interest in the density of the population under the age of 18 as they are the most risk for early initiation which has been demonstrated to be associated with lifelong use. Density is often described as the number of retailers per 1,000 people or per 1,000 people ages 18 and younger. Some communities adopt policies which provide a cap for the number of retailers per 1,000 people.

**Legacy:** Refers to retailers who are already licensed. Most policy solutions do not have in impact on existing businesses, but rather attempt reduce new tobacco retailers entering an already crowded market.

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