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Research Protocol for CityHealth: Tobacco 21 Laws

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CITYHEALTH: TOBACCO 21 LAWS
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Research Protocol

I.   **Dates of Protocol:** June 10, 2016; October 13, 2016; February 2, 2017; January 29, 2018; August 18, 2019; October 4, 2019; October 30, 2019; December 2, 2020; August 30, 2021

II.   **Scope:** Compile statutes and ordinances on Tobacco 21 laws across the 40 largest cities, their respective counties, 25 states and the District of Columbia. The purpose of the CityHealth project is to collect important public health policies and determine what makes a healthy city. For a particular health policy, the goal is to display the state, county, and city law involved in shaping this policy at the city level. This dataset contains coding questions examining Tobacco 21 laws. This is a cross-sectional dataset capturing currently effective law valid through June 1, 2021, though laws passed prior to the publication with future effective dates do receive full credit.

III.   **Primary Data Collection**

     a.   **Original project dates:** June 1, 2016 – June 10, 2016

     b.   **Original dates covered in the dataset**: December 29, 2014 - June 10, 2016

     c.   **Data collection methods**: The team building this dataset consisted of three team members: two legal researchers ("Researchers") and one supervisor ("Supervisor") overseeing the quality control process.

     d.   **Databases used**: Searches conducted using Westlaw Next, city and county codes, and general Tobacco 21 websites; the laws were then collected from state-specific legislature websites. County and city laws were collected from official government websites, municode.com and amlegal.com.

     e.   **Search terms**: "tobacco 21", tobacco minimum legal sale age, tobacco MLSA, tobacco purchase, youth smoking
         i.   Key word searches were supplemented by examination of the table of contents of each relevant section of the law identified.
         ii.   Once all the relevant laws were identified in each jurisdiction, a master sheet was created for each jurisdiction that summarized the relevant laws within the scope at each jurisdictional level. This summary included the statutory history for each law and the effective date for that version of the law.

     f.   **Information about initial returns and additional inclusion or exclusion criteria**: Due to the scope of the project, the Researchers did not search for the minimum legal sale age (MLSA) for tobacco products in every city. Instead, they focused on finding the laws for the cities where the MLSA was 21.
         i.   This dataset refers to the minimum legal sale age of "tobacco products." A "tobacco product" means a product containing, made, or derived from tobacco or nicotine including cigarettes, cigars, chewing tobacco, pipe tobacco, bidi, or snuff. Some jurisdictions may vary slightly on what is considered to be a tobacco product, particularly whether or not they include e-cigarettes in

either the definition of a tobacco product or in their minimum legal sale age law. Therefore, we added a specific question to see if the minimum legal sale age for tobacco products explicitly applies to e-cigarettes.

g. **Inclusion or exclusion criteria by question**
   i. For the question*, "Does the age restriction explicitly apply to e-cigarettes?"* Coders should answer this question Yes if the law states that the age restriction applies to "vapor products." Our intention is that "e-cigarettes" includes electronic devices that deliver nicotine or other vaporized liquids to the person inhaling the device, such as e-cigarettes or vapor products.

IV. **Coding**

a. **Development of coding scheme**: The Researchers and Supervisor drafted coding questions and circulated them for review until all parties felt they had been sufficiently refined. Once the coding questions were finalized, they were entered into the MonQcle.

b. **Coding methods:** The Researchers were responsible for coding 20 cities each, including the respective state and county laws. Both Researchers independently coded their assigned jurisdictions. After coding their first five jurisdictions each, the Researchers 100 percent redundantly coded the states to evaluate the questions and responses. Due to the scope of the project and the lack of effective laws within the date range, the remainder of the cities were not redundantly coded since none of them included laws in scope. The Supervisor checked all research and coding results against credible secondary sources tracking Tobacco 21 laws.

c. **Quality control:** The Supervisor oversaw the quality of the data by downloading the data from the MonQcle into Microsoft Excel and reviewing it in order to find caution flags, missing answer choices, and errors in the coding. An original coding review sheet was sent to the Researchers for their review. Issues in the coding were discussed by the Researchers in coding meetings and resolved accordingly.
   i. The Supervisor reviewed the redundant coding by downloading the data from the MonQcle into Microsoft Excel and comparing the records, variable by variable, looking for divergences. When a divergence was identified, it was discussed with the researchers. The reason for the divergence was identified and resolved. A measure of divergence was calculated by the Researcher and the redundant record was deleted.
      1. The rate of divergence on June 9, 2016 was 2.5%.
      2. The one divergence among the coders involved the scope of the question "What age must a person reasonably appear to be." After identifying and discussing the divergence, the Supervisor clarified that the scope of all the questions applies to tobacco products only.
   ii. Once all of these issues were resolved, the entries were re-coded accordingly. The Supervisor then did a final check of the original coding for all states and ensured that the state coding was consistent for the Arizona, California, Tennessee, and Texas entries since these states had multiple cities included in this dataset.

V. **October 2016 Update**

a. **Data collection methods:** One Researcher conducted research to determine if any states had enacted relevant legislation effective through October 1, 2016, and to identify pending legislation that may be close to passage. The Supervisor reviewed all of the findings and confirmed that there was only one update for

this dataset. The Researchers used WestlawNext and city ordinance databases using the following syntax and search terms: "tobacco 21", tobacco minimum legal sale age, tobacco MLSA, tobacco purchase, youth smoking

   b. Secondary sources were used to collect the laws, including state-specific and city-specific legislature websites.

       i. Coding updated findings: The Researcher found that during this update time interval, 1 city required an update because Chicago passed a Tobacco 21 law that became effective on July 1, 2016. No other cities amended an existing law or added a new law so this was the only update required. A Researcher added and coded the Chicago law.

   c. Quality control: Another Researcher redundantly coded the new Chicago law and the Supervisor compared the records. The rate of divergence was 0%. The Supervisor also checked the original coding to check for any other coding or building issues and found none. This dataset is now valid through October 1, 2016. The Supervisor confirmed all research and coding results against credible secondary sources tracking Tobacco 21 laws.

VI.   **January 2017 Update**

   a. Data collection methods: The team kept track of several cities passing Tobacco 21 laws after October 1, 2016, including Washington, DC and Columbus. One Researcher conducted research to determine if any states had enacted relevant legislation effective through January 15, 2017. The Researcher also searched to see if any other cities, counties, or states in scope passed a Tobacco 21 law within our scope. The Researcher then located the new laws in Washington, DC and Columbus. The Supervisor reviewed all of the findings and confirmed that, in addition to the new laws in Washington, DC and Columbus, there was a minor amendment to the Boston record that did not affect any coding answers. The Researchers used WestlawNext and city ordinance databases using the following syntax and search terms: "tobacco 21", tobacco minimum legal sale age, tobacco MLSA, tobacco purchase, youth smoking. Secondary sources were used to collect the laws, including state-specific and city-specific legislature websites.

   b. At the request of the CityHealth group, the team also added in a question on whether states preempted localities from passing a tobacco 21 law. Due to this question addition, two researchers found the relevant law in the 12 cities that are currently preempted from passing a tobacco 21 law. These laws were entered and the new question was coded. All 12 cities records were redundantly coded and the divergence rate was 0%.

   c. Coding updated findings: The Researcher coded the new laws in Washington, DC and Columbus, as well as the amendment in the Boston record. found that during this update time interval. No other cities amended an existing law or added a new law.

   d. Quality control: Another Researcher redundantly coded the new three records and the Supervisor compared the records. The rate of divergence was 0%. The Supervisor also checked the original coding to check for any other coding or building issues and found none. This dataset is now valid through January 15, 2017. The Supervisor confirmed all research and coding results against credible secondary sources tracking Tobacco 21 laws.

VII.   **December 2017 Update**

a. **Data collection methods:** The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new tobacco 21 laws that had been enacted since the January 15, 2016 update. The Researchers used WestlawNext and city ordinance databases using the following search terms: "tobacco 21", tobacco minimum legal sale age, tobacco MLSA, tobacco purchase, youth smoking. Secondary sources were used to collect the laws, including state-specific and city-specific legislature websites.

b. **Coding updated findings:** The Researchers determined that four cities, Portland, San Antonio, San Francisco, and Washington DC, had amendments or required new or additional laws to be added. Additional laws were found, added, and coded in San Francisco. In Portland, San Antonio and Washington DC, new laws were found, added, and coded.

c. **Quality control:** The Researchers redundantly coded the Portland, San Antonio, San Francisco, and Washington DC records and then compared the results. The rate of divergence was 0%. The Supervisor checked the original coding to check for any other coding or building issues and found none. This dataset is now valid through December 1, 2017. The Supervisor confirmed all research and coding results against credible secondary sources tracking Tobacco 21 laws.

VIII. **August 2019 Update**

a. **Data collection methods:** The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new tobacco 21 laws that had been enacted since the December 2017 update. The Researchers used WestlawNext and city ordinance databases using the following search terms: "tobacco 21", tobacco minimum legal sale age, tobacco MLSA, tobacco purchase, youth smoking. Secondary sources were used to collect the laws, including state-specific and city-specific legislature websites.

b. **Coding updated findings:** The Researchers determined that eighteen cities either had a new law or amended an existing law. Ten of these cities (Austin, Dallas, El Paso, Fort Worth, Houston, Baltimore, Denver, Seattle, Tucson, and Virginia Beach) were substantive changes impacting coding and medal standings. Texas (Austin, Dallas, El Paso, Fort Worth, Houston), Maryland (Baltimore), Virginia (Virginia Beach), and Washington (Seattle) each passed state laws that helped earn their respective cities medals, whereas Denver and Tucson passed Tobacco 21 laws at the civil level. San Antonio had already passed a city law captured during the previous update; the new Texas law did not impact San Antonio's gold medal status. In addition to the state laws that helped several cities earn medals, several states also added Tobacco 21 laws in places where cities have already earned Gold medals for their city level Tobacco 21 laws. These state laws did not impact the medal status of those cities but we did add the state laws to the city records. This occurred in Massachusetts (Boston), Illinois (Chicago), Ohio (Columbus), and New York (New York City).

c. **Quality control:** The Researchers redundantly coded the ten city records with substantive changes. The rate of divergence was 0%. The Supervisor checked the original coding to check for any other coding or building issues and found none. Each city was given an opportunity to review their scores prior to publication. This dataset is now valid through August 1, 2019.

The Supervisor confirmed all research and coding results against credible secondary sources tracking Tobacco 21 laws.

IX.   February 2020 Update

    a. Valid through date note for all datasets: All of the CityHealth datasets that are currently published were published in December 2020. Please see the individual policy pages or protocols for the exact valid through date as not all of the datasets had the same valid through date for this update.

    b. Data collection methods: The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new tobacco 21 policies that had been enacted since the previous update. The Researchers searched for tobacco 21 policies in WestlawNext, Google, city ordinance databases, and city websites.

    c. Coding updated findings: In addition to researching each city for newly amended laws, additional laws, and newly enacted laws, the Researchers also made note of any potential coding inconsistencies.

    On December 20, 2019, the President signed legislation amending the Federal Food, Drug, and Cosmetic Act to raise the federal minimum legal sale age of tobacco products to 21. This includes the sale of vapor products and e-cigarettes. Due to this federal law, every city received credit for having a gold medal Tobacco 21 policy. This change awarded 15 new gold medals. Baltimore, Boston, Las Vegas, New York City, Philadelphia, Portland, and Tucson also had amendments to their city or state laws, but these changes did not impact the final scoring result.

    d. Quality control: Seven cities were redundantly coded. The Researchers compared the records and the divergence rate was 0%. The Supervisor checked the original coding to check for any other coding or building issues and any issues were resolved. This dataset is now valid through February 1, 2020.

X.   June 2021 Update

    a. Data collection methods: The Researchers conducted a review of each city that included searching for amendments to laws that were previously collected, any additional laws that may be necessary, and for any new tobacco 21 policies that had been enacted since the previous update. The Researchers searched for tobacco 21 policies in WestlawNext, Google, city ordinance databases, and city websites.

    b. Coding updated findings: In addition to researching each city for newly amended laws, additional laws, and newly enacted laws, the Researchers also made note of any potential coding inconsistencies. Albuquerque, Atlanta, Austin, Baltimore, Boston, Chicago, Denver, Las Vegas, Long Beach, Los Angeles, Memphis, Nashville, New York, Oklahoma City, Philadelphia, Portland, Tucson, and Virginia Beach had amendments to their laws or had added laws to match the federal tobacco 21 law.

    c. Quality control: Ten cities were redundantly coded. The Supervisor compared the records, and the divergence rate was 0%. The Supervisor checked the original coding to check for any other coding or building issues and any issues were resolved. This dataset is now valid through June 1, 2021.