

# **Judicial Attitudes and Dispositions Toward Texas Tobacco Laws**

**ANNUAL REPORT PRESENTED TO THE  
TEXAS DEPARTMENT OF HEALTH:  
OFFICE OF TOBACCO PREVENTION AND  
CONTROL**

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## EXECUTIVE SUMMARY

The purpose of this study was to evaluate the attitudes and dispositions of municipal court judges and justices of the peace toward Texas tobacco laws. The judiciary in the state of Texas is a vital component of effective tobacco law enforcement. Tobacco enforcement is one component of a multifaceted prevention program implemented in eighteen different sites in southeast and eastern Texas. Surveys were sent to every municipal judge and justices of the peace in the pilot study area. Surveys were also sent to a comparison group of judges outside the pilot area.

There were very little differences between judges across the study areas in attitudes toward tobacco enforcement. As a whole, judges tend to view youth tobacco use as a problem in their community and tend to support anti-tobacco proposals. They overwhelmingly agree that the judiciary is capable of impacting the accessibility of tobacco to youth.

Judges are overwhelmingly using a combination of dispositions toward juveniles who have violated tobacco laws that usually includes fines, a tobacco awareness course, and community service. Of the three dispositions, the tobacco awareness course is most popular among judges. Texas judges adjudicate on the average thirty-nine (39) cases per year involving minors and tobacco law violations. Surveyed judges have much less experience adjudicating retailer tobacco law violations. They average only two (2) cases per year. Judges that have dealt with these cases tend to use fines at first and then suspend or revoke a license for multiple violations.

One of the most striking findings to come from this study is that judges who use tobacco products are almost three times less likely to have adjudicated tobacco law

violations by youth in the last year than judges who do not use tobacco. It would appear that judges' own tobacco use is affecting their decisions to accept and adjudicate these cases. In contrast, law enforcement officers are enforcing tobacco laws against minors equally, regardless of their own tobacco use. A comprehensive training program for judges concerning tobacco laws and tobacco health education is recommended.

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### **Purpose of the Study**

The primary purpose of this study was to establish a comprehensive tracking support system for evaluating tobacco control by the judiciary in the state of Texas. Tobacco enforcement is one component of a multifaceted prevention program developed by the Texas Department of Health, Office of Tobacco Prevention and Control and implemented in eighteen different sites in southeast and eastern Texas. Other interventions included low-level media, intensive media, cessation programs, and school and community youth programs.

Justices of the Peace and municipal judges were surveyed both inside and outside the study sites. This survey was similar to the law enforcement survey in order to make comparisons on a number of items.

The Texas Department of Health, Office of Tobacco Prevention and Control were interested in answers to the following questions related to the Texas judiciary:

- 1) What are the attitudes of judges toward the state's tobacco laws?
- 2) What types of dispositions are being delivered to minors found to be in possession of or purchasing tobacco products?
- 3) What types of dispositions are being delivered to merchants that have violated tobacco laws?
- 4) What are some of the challenges faced by the courts in monitoring dispositions of tobacco violations?

### **Federal and Texas Tobacco Laws**

The Synar Amendment is an anti-tobacco bill passed by Congress in 1989. Some of the key provisions of this bill impacting enforcement of tobacco laws in Texas include the following:

- States must have laws which ban the sale of tobacco to persons under eighteen years of age;
- States must enforce these laws in a manner that can be expected to reduce the availability of tobacco to minors;
- States must use “random, unannounced inspections” of retailers selling tobacco products to determine if the laws are being adhered to;
- States must develop a strategy and time frame for achieving an inspection failure rate of less than 15 percent of outlets accessible to youth
- Health and Human Services is authorized to withhold up to 40 percent of a state’s federal substance abuse funds if it is determined that states are not enforcing their laws regarding tobacco sales to minors.

The first anti-tobacco legislation in Texas was State Senate Bill 1, passed in 1995. It restricts tobacco use on school property and includes the following provisions:

- Smoking or using tobacco products at a school-related or school sanctioned activity on or off school property is prohibited;
- Students are prohibited from possessing tobacco products at a school-related or school sanctioned activity on or off school property;
- School personnel must enforce these policies on school property.

Finally, the most comprehensive of anti-tobacco legislation in Texas was passed in 1997 and 1998. The major provisions of Senate Bill 55, commonly called the Texas Tobacco Law, mandates the following:

- Minors are prohibited from buying, using, or possessing tobacco products except in the presence of the minor's parent, guardian, or adult spouse;
- Minors that violate the law are required to attend an eight hour tobacco awareness program, perform tobacco-related community service, or pay a fine of up to \$250;
- Minors that fail to attend the tobacco awareness program or perform tobacco-related community service may have their driver's license suspended;
- Parents of minors may also be required to attend a tobacco awareness program;
- The sale of "kiddie packs" containing fewer than 20 cigarettes is prohibited;
- Free samples and coupons to anyone under 18 years of age is prohibited;
- Outdoor advertising of tobacco products within 1,000 feet of a church or school is prohibited;
- Cigarette vending machines and other self-service sales are prohibited in all places open to minors;
- Retailers who sell tobacco products are required to ask for proof of identification from anyone purchasing tobacco who appears to be under 27 years of age;
- Retailers that sell tobacco products to minors are guilty of a Class C misdemeanor punishable by a fine up to \$500;

- Tobacco retailers are subject to penalties upon failure to adequately inform employees of the current law (\$500 fine for the 1<sup>st</sup> offense, \$750 fine for the 2<sup>nd</sup> offense, \$1000 fine for the 3<sup>rd</sup> offense, and permit revocation for a 4<sup>th</sup> offense);
- Existing signage is amended to include that it is both illegal to sell to minors and illegal for minors to buy tobacco products (the state comptroller sends an official warning sign to tobacco retailers to be posted when they pay their tobacco permit fee).

### **Methods**

Surveys were sent to all municipal court judges and justices of the peace in the study area and 401 judges in 23 counties randomly selected and stratified by population size. Judges were asked about: 1) background information; 2) their own tobacco use; 3) attitudes about the health effects of tobacco; 4) attitudes about the advertising of tobacco products; 5) attitudes about the adjudication of tobacco laws; and 6) typical dispositions by judges concerning several tobacco laws (See Appendix B for survey instrument).

The response rate to the surveys was 43 percent after two follow-up attempts. This rather low response rate is not unusual in other studies that include judges. Also, many judges returned surveys stating that they did not wish to participate because they were not familiar with the state tobacco laws.



## **Judicial Survey Results**

### Background Characteristics of Judges

The vast majority of surveyed judges in the study have ten years or less experience on the bench (See Table 1). Judges in the pilot study area tended to have the most experience but the differences were not statistically significant. There was also no significant differences in the age of sampled judges between study areas. They were most likely to be 51 to 60 years of age, but one-quarter of the judges were 61 and over. About three-fourths of the judges were male and Caucasian, and there was a slightly higher concentration of men and Caucasians in the enforcement area than in the other study areas.

The vast majority of the judges in the study stated that they do not smoke cigarettes (86%) and there was little difference in study areas on this item. About eight percent of sampled judges stated that they use some other tobacco product besides cigarettes, and judges in the enforcement area were slightly less likely to use other tobacco products. Overall, twenty-one percent of the judges who responded to the survey use some form of tobacco products and there was little differences between tobacco use among judges based on study area.

*Table 1: Background Characteristics of Judges*

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
Years of judicial experience	10 years or less	70%	58%	68%	65%
	11 to 20 years	27%	27%	24%	26%
	More than 20 years	3%	15%	8%	9%
Age	28 to 40	2%	8%	12%	10%
	41 to 50	24%	24%	30%	29%
	51 to 60	43%	31%	36%	36%
	61 and over	31%	37%	22%	25%
Gender	Male	83%	73%	72%	74%
	Female	17%	27%	28%	26%
Race	Caucasian	88% <sup>a</sup>	78%	72%	77%
	African American	5%	8%	5%	6%
	Hispanic	2%	10%	21%	14%
	Other	5%	4%	2%	3%
Do you smoke cigarettes?	Everyday	14%	8%	7%	9%
	Some days	0%	2%	5%	3%
	Not at all	86%	90%	88%	88%
Do you use other tobacco products?	Everyday	0%	5%	2%	3%
	Some days	5%	11%	4%	6%
	Not at all	95%	84%	94%	91%
Use any tobacco products	Yes	19%	26%	18%	21%
	No	81%	74%	82%	79%

a = p. < .05

### Knowledge of Texas Tobacco Laws

Judges were asked the same seven questions that we asked law enforcement officers to test their knowledge of tobacco laws (See Table 2). A fairly large percentage of judges answered many of these questions incorrectly. Some judges skirted the purpose of these questions by looking-up the answer in the Texas code.

The majority of the judges in the study (69%) knew that \$250.00 was the maximum fine for youth caught in possession of tobacco. There were no significant differences by study area, though judges in the pilot area were most likely to answer this question wrong (64%). Nearly three-quarters (76%) knew that a minor's driver's

Table 2: Knowledge of Texas Tobacco Laws

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
What is the maximum fine for youth caught possessing tobacco?	\$50	7%	0%	2%	2%
	\$100	5%	7%	7%	6%
	<b>\$250<sup>a</sup></b>	64%	73%	68%	69%
	\$500	24%	21%	23%	22%
A minor's driver's license may be suspended for purchasing tobacco products if....	2 <sup>nd</sup> Offense	17%	13%	13%	14%
	3 <sup>rd</sup> Offense	5%	3%	5%	5%
	<b><i>Do not attend tobacco awareness class</i></b>	74%	81%	74%	76%
	No provision for suspending a minor's license	5%	3%	8%	6%
What is the maximum fine if clerks sell tobacco to minors?	\$50	0%	0%	0%	0%
	\$100	10%	1%	2%	3%
	\$250	10%	3%	5%	5%
	<b>\$500</b>	81%	95%	93%	92%
Can any law enforcement officer enforce the state's tobacco laws?	<b><i>Definitely Yes</i></b>	83%	75%	86%	82%
	Probably Yes	12%	22%	13%	15%
	Probably No	2%	1%	1%	1%
	Definitely No	2%	2%	1%	2%
Anyone appearing under what age must show identification?	18	26%	28%	26%	26%
	21	10%	12%	13%	12%
	24	5%	2%	3%	3%
	<b>27</b>	60%	59%	57%	58%
What is the penalty (1 <sup>st</sup> offense) if a retailer does not inform employees about current tobacco laws	\$250	42%	24%	22%	26%
	<b>\$500</b>	44%	63%	61%	59%
	\$750	3%	0%	3%	2%
	Suspension of permit	11%	13%	14%	13%
All states must use "random, unannounced inspections" of tobacco retailers to determine if tobacco laws are being adhered to?	<b><i>Definitely Yes</i></b>	46%	49%	51%	49%
	Probably Yes	38%	29%	26%	31%
	Probably No	14%	18%	17%	16%
	Definitely No	3%	4%	7%	5%
Missed 3 or more questions		33%	21%	12%	22%

a = The italicized and bolded item denotes the correct answer.

license may be suspended for purchasing tobacco products if they did not attend a tobacco awareness course. Again, there was little difference between study areas on this question. An even larger percentage (92%) of the judges knew that \$500 is the maximum fine for a clerk who sells tobacco to minors. Though the difference was not statistically significant, only eighty-one percent (81%) of judges in the enforcement area answered this question correctly.

The vast majority of the judges (82%) knew that any law enforcement officer can enforce the state's tobacco laws. Only three (3%) percent answered this statement as probably or definitely no. Surveyed judges as a group had more trouble discerning at which apparent age clerks must ask for identification. Only fifty-eight percent (58%) were correct by stating the age as twenty-seven.

About the same percentage of judges (59%) were correct in stating that \$500 is the correct penalty for retailers who fail to notify their employees about the tobacco laws. Only forty-four percent (44%) of judges in the enforcement study area answered this item correctly. Exactly half of the sampled judges knew that all states must use random, unannounced inspections of tobacco retailers to determine their adherence to the law. Twenty-two percent (22%) of the judges in this study missed three or more of the questions related to knowledge of tobacco laws. This is the exact same percentage of missed questions as law enforcement officers in the enforcement study area.

#### Perception of Tobacco as a Problem in the Community

Surveyed judges generally perceived that tobacco use was a problem in their community (See Table 3). There was very little difference on these items by study area,

*Table 3: Perception of Tobacco as a Problem in the Community*

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
How closely have you followed the issues of tobacco use and public efforts to regulate and control it in Texas?	Very closely	17%	23%	12%	16%
	Somewhat closely	45%	52%	57%	53%
	Only a little	36%	22%	29%	27%
	Not at all	2%	3%	3%	3%
How serious a problem would you say tobacco use is in your community?	Very serious	10%	33%	19%	22%
	Serious	50%	38%	43%	43%
	Somewhat serious	29%	24%	29%	27%
	Not at all serious	12%	6%	9%	8%
How serious of a problem is it that kids can get tobacco products in your community?	Very Serious	26%	28%	25%	26%
	Serious	31%	38%	38%	37%
	Somewhat Serious	33%	31%	27%	29%
	Not at All Serious	10%	3%	10%	8%
How serious of a problem is it that non-smokers breathe in other people's smoke in your community?	Very Serious	29%	31%	28%	29%
	Serious	21%	27%	26%	26%
	Somewhat Serious	29%	30%	35%	32%
	Not at All Serious	21%	13%	12%	14%
How serious of a problem is it that tobacco products are advertised in many areas of your community?	Very Serious	2%	18%	9%	11%
	Serious	21%	22%	18%	20%
	Somewhat Serious	41%	28%	43%	38%
	Not at All Serious	36%	32%	29%	31%

but where they were found, the enforcement area judges were actually less inclined to perceive tobacco as a problem in their community. About two-thirds (69%) of the judges stated that they have followed the issues of tobacco use and public efforts to regulate and control it in Texas either closely or somewhat closely. The majority of judges (65%) stated that tobacco use in their community was either a very serious or serious problem. About the same percentage of judges (67%) stated that it was either a very serious or serious problem that kids can get tobacco products in their community. A little over half

of surveyed judges (55%) stated that it was either a very serious or serious problem for non-smokers to breathe in other peoples' smoke.

The judges in the study considered tobacco advertisements as less serious than general use of tobacco, accessibility of tobacco by kids, and non-smokers having to breathe in others' smoke. About one-third (31%) of the respondents stated that advertisement of tobacco products in their community was either a very serious or serious problem. Judges in the pilot area were most likely to agree that it was a very serious problem (18%) and judges in the enforcement area were the least likely to agree (2%).

#### Perception of Influence on Youth to Start Smoking

Judges in the study were asked five questions about their perceptions of influences on youth to start smoking (See Table 4). In rank order, judges believed that peers and parent played an equal role, followed by tobacco advertising and promotion, the illegal sale of tobacco, and the price of tobacco. Seventy-eight percent (78%) of judges believed that peer and parental tobacco use influenced youth to start smoking a lot. Judges in the control and pilot study areas were much more likely to believe that peer influence contributed to youth tobacco initiation than judges in the enforcement area. A surprising eighty percent (80%) of judges believed that tobacco advertising influenced youth to start smoking either a lot or somewhat. About two-thirds (68%) of the judges stated that illegal sale of tobacco products to youth influenced a child or teenager to start smoking some or a lot. Finally, only nine percent (9%) of judges believed that the price of tobacco has a lot of influence on youth to start smoking.

**Table 4: Perception of Influences on Youth to Start Smoking**

How much do you think ... influences a child or teenager to start smoking?		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
Illegal sale of tobacco products to youth	A lot	24%	38%	28%	31%
	Some	38%	30%	41%	37%
	A Little	24%	28%	23%	25%
	None	14%	5%	8%	8%
What about peer-influence of other young people	A lot	57%	82%	82% <sup>a</sup>	78%
	Some	33%	11%	15%	17%
	A Little	10%	7%	2%	5%
	None	0%	0%	1%	0%
What about tobacco advertising and promotion	A lot	21%	44%	31%	34%
	Some	52%	36%	51%	46%
	A Little	24%	19%	15%	18%
	None	2%	0%	3%	2%
What about parents smoking	A lot	79%	83%	74%	78%
	Some	14%	16%	23%	19%
	A Little	5%	1%	2%	2%
	None	2%	0%	1%	1%
What about the price of tobacco	A lot	5%	8%	10%	9%
	Some	36%	48%	45%	44%
	A Little	31%	22%	33%	29%
	None	29%	23%	12%	18%

a = p. < .01

### Perceptions of Tobacco Legislation and Proposals

Judges from all study areas tended to support a wide variety of tobacco enforcement proposals and legislation (See Table 5). The majority of judges (61%) somewhat or strongly agreed that storeowners should have a license to sell cigarettes and other tobacco products just as they do alcoholic beverages. This is the only proposal judges disagreed with. Conversely, eighty-three percent (83%) of surveyed judges believed that youth under eighteen years of age should be made to pay fines if they are caught buying tobacco products.

When asked about police sting operations, about three-quarters (76%) of the

*Table 5: Perceptions of Tobacco Legislation and Proposals*

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
Store owners should have a license to sell cigarettes and other tobacco products, just like alcoholic beverages	Strongly agree	17%	10%	8%	10%
	Somewhat agree	12%	8%	7%	8%
	Neither agree nor disagree	14%	18%	24%	20%
	Somewhat disagree	19%	13%	24%	19%
	Strongly disagree	38%	51%	38%	42%
Youths under 18 should be made to pay fines if they are caught buying tobacco products	Strongly agree	45%	58%	55%	55%
	Somewhat agree	31%	26%	29%	28%
	Neither agree nor disagree	5%	10%	4%	6%
	Somewhat disagree	10%	5%	10%	8%
	Strongly disagree	10%	1%	2%	3%
Police “sting” operations increase compliance with youth tobacco access laws	Strongly agree	41%	47%	35%	40%
	Somewhat agree	33%	30%	41%	36%
	Neither agree nor disagree	12%	19%	14%	15%
	Somewhat disagree	5%	5%	6%	5%
	Strongly disagree	10%	0%	4%	4%
Tobacco advertising in stores should be banned	Strongly agree	24%	41%	38%	37%
	Somewhat agree	29%	16%	23%	21%
	Neither agree nor disagree	21%	28%	25%	26%
	Somewhat disagree	17%	9%	7%	9%
	Strongly disagree	10%	6%	8%	8%
Smoking in outdoor public areas like parks should be banned	Strongly agree	17%	21%	32%	26%
	Somewhat agree	24%	28%	21%	24%
	Neither agree nor disagree	21%	17%	13%	15%
	Somewhat disagree	19%	17%	15%	17%
	Strongly disagree	19%	17%	18%	18%
The Texas Legislature should adopt a statewide smoke-free law banning smoking in work places and public buildings	Strongly agree	41%	52%	54%	52%
	Somewhat agree	12%	16%	21%	18%
	Neither agree nor disagree	19%	17%	11%	14%
	Somewhat disagree	14%	5%	4%	6%
	Strongly disagree	14%	10%	9%	10%
Kids under age 18 should be prohibited from wearing or bringing to school items that have a tobacco brand name or picture on them	Strongly agree	43%	46%	49%	47%
	Somewhat agree	26%	23%	19%	21%
	Neither agree nor disagree	17%	23%	17%	19%
	Somewhat disagree	7%	3%	7%	6%
	Strongly disagree	7%	6%	9%	8%



judges strongly or somewhat agreed that sting operations do increase compliance with the laws. With regard to advertising, over half (58%) of the judges stated that tobacco advertising in stores should be banned. Exactly half (50%) of the judges agreed that smoking in outdoor public areas like parks should be banned. Seventy percent (70%) of surveyed judges thought that the Texas Legislature should adopt a statewide smoke-free law banning smoking in work places and public buildings. Finally, there was wide support by judges (69%) that kids under age of eighteen should be prohibited from wearing or bringing to school items that have a tobacco brand name or picture on them.

#### Perceptions of Government Role

Judges tended to support government efforts to reduce tobacco use, however, with some ambivalence (See Table 6). A majority of judges supported banning tobacco products on billboards and busses (55%), and judges in the control study area (40%) were much more likely to strongly agree with this statement than enforcement area judges (29%). However, almost half of the judges (45%) believe that the government should not interfere with an individual's decision about tobacco use. Judges tended to agree that the government should spend money on efforts to reduce tobacco use (69% of all judges agreed with this statement). Judges in the enforcement area (17%) were significantly less likely to strongly agree with this statement than pilot area judges (43%).

Only thirty percent (30%) of judges thought that the settlement with tobacco companies would have an impact on reducing smoking by Texans. Only three percent (3%) believed the settlement would have a great deal of an impact. Judges were asked

*Table 6: Perceptions of Government Roles*

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
The advertising of tobacco products on billboards and busses should be banned	Strongly agree	29%	33%	40% <sup>a</sup>	36%
	Somewhat agree	17%	23%	17%	19%
	Neither agree nor disagree	17%	28%	22%	23%
	Somewhat disagree	26%	10%	9%	12%
	Strongly disagree	12%	6%	13%	10%
The government should not interfere with an individual's decision about tobacco use	Strongly agree	19%	16%	17%	17%
	Somewhat agree	24%	36%	24%	28%
	Neither agree nor disagree	21%	14%	19%	18%
	Somewhat disagree	21%	18%	21%	20%
	Strongly disagree	14%	16%	19%	17%
It is important that the government spend money on efforts to reduce tobacco use	Strongly agree	17%	43%	30% <sup>a</sup>	32%
	Somewhat agree	48%	32%	36%	37%
	Neither agree nor disagree	7%	13%	18%	15%
	Somewhat disagree	12%	7%	8%	8%
	Strongly disagree	17%	6%	7%	8%
How much of an impact will the settlement with tobacco companies have on reducing smoking by Texans	A great deal	5%	2%	3%	3%
	Some	17%	30%	29%	27%
	Only a little	48%	34%	44%	41%
	None at all	24%	30%	17%	22%
	Not sure	7%	5%	7%	6%
Where should laws and controls on the sale and use of tobacco be made	State level	41%	52%	43%	46%
	County level	2%	2%	2%	2%
	Local community	10%	7%	10%	9%
	All of the above	31%	34%	35%	34%
	None of the above	10%	5%	8%	7%
	Not sure	7%	0%	2%	2%

a = p. < .05

where should laws and controls on the sale and use of tobacco be made. Almost half (46%) stated that these laws should be made at the state level. About one-third (34%) stated that these laws should be made at the state, county, and local levels of government.

### Perceptions Concerning Tobacco Companies

Judges were split (48%) on whether tobacco companies should have the same

*Table 7: Perceptions Concerning Tobacco Companies*

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
Tobacco companies should have the same right to market their products as other companies	Strongly agree	17%	30%	29%	27%
	Somewhat agree	21%	22%	21%	21%
	Neither agree nor disagree	14%	19%	17%	17%
	Somewhat disagree	29%	18%	24%	23%
	Strongly disagree	19%	11%	10%	12%
Tobacco companies have tried to mislead youth or teens to get them to buy their products	Strongly agree	38%	57%	39%	45%
	Somewhat agree	31%	27%	35%	32%
	Neither agree nor disagree	19%	9%	18%	15%
	Somewhat disagree	7%	3%	6%	5%
	Strongly disagree	5%	3%	3%	3%
Tobacco companies use advertising to attract young people	Strongly agree	50%	61%	49%	53%
	Somewhat agree	31%	31%	35%	33%
	Neither agree nor disagree	10%	5%	10%	8%
	Somewhat disagree	7%	1%	4%	4%
	Strongly disagree	2%	2%	2%	2%

right to market their products as other companies. Sampled judges in the control and pilot study areas were more likely to agree with this statement than enforcement area judges. Judges are firmer in their belief that tobacco companies have tried to mislead youth in order to get them to buy their products (77% agreed with this statement). An even higher percentage (86%) agreed that tobacco companies use advertising to attract young people.

#### Perceptions of Judges' Role in Adjudicating Tobacco Laws

Eight questions were asked of judges concerning their perceptions of their roles in adjudicating tobacco laws (See Table 8). As with their perceptions of the government's role in tobacco law enforcement, the surveyed judges were somewhat ambivalent as to their own roles. Exactly three-quarters (75%) considered adjudicating the state's tobacco laws as an important function within their courts. However, only slightly more than half

*Table 8: Perceptions of Judges' Role in Adjudicating Tobacco Laws*

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
Adjudicating the state's tobacco laws is an important function within my court	Strongly agree	54%	53%	48%	51%
	Somewhat agree	22%	24%	25%	24%
	Neither agree nor disagree	12%	13%	18%	16%
	Somewhat disagree	5%	8%	5%	6%
	Strongly disagree	7%	2%	4%	4%
Courts should do more to adjudicate laws against youth using or possessing tobacco	Strongly agree	29%	38%	21%	28%
	Somewhat agree	17%	18%	29%	24%
	Neither agree nor disagree	27%	30%	35%	32%
	Somewhat disagree	17%	8%	6%	8%
	Strongly disagree	10%	7%	9%	8%
Courts should do more to adjudicate laws against merchants selling tobacco products to youth	Strongly agree	39%	48%	34%	39%
	Somewhat agree	20%	14%	29%	22%
	Neither agree nor disagree	22%	24%	24%	24%
	Somewhat disagree	10%	8%	6%	7%
	Strongly disagree	10%	7%	7%	8%
Judges should do more to educate youth about tobacco	Strongly agree	36%	23%	24%	26%
	Somewhat agree	12%	24%	32%	26%
	Neither agree nor disagree	26%	28%	26%	27%
	Somewhat disagree	5%	11%	7%	8%
	Strongly disagree	21%	14%	10%	13%
Judges should become more involved in community efforts to reduce tobacco use	Strongly agree	24%	15%	15%	17%
	Somewhat agree	17%	24%	32%	27%
	Neither agree nor disagree	33%	33%	28%	31%
	Somewhat disagree	10%	15%	10%	12%
	Strongly disagree	17%	14%	15%	15%
Court docket space spent on tobacco laws could be better used elsewhere	Strongly agree	29%	38%	26% <sup>a</sup>	30%
	Somewhat agree	26%	18%	19%	20%
	Neither agree nor disagree	14%	32%	28%	27%
	Somewhat disagree	14%	7%	21%	15%
	Strongly disagree	17%	6%	7%	8%
Regardless of what judges do, kids are able to get a hold of tobacco products	Strongly agree	2%	0%	0% <sup>a</sup>	1%
	Somewhat agree	7%	0%	2%	2%
	Neither agree nor disagree	5%	3%	4%	4%
	Somewhat disagree	24%	40%	46%	41%
	Strongly disagree	62%	57%	47%	53%
The state tobacco laws are largely unenforceable	Strongly agree	7%	17%	15%	15%
	Somewhat agree	33%	27%	22%	26%
	Neither agree nor disagree	0%	16%	13%	12%
	Somewhat disagree	41%	28%	37%	35%
	Strongly disagree	19%	11%	13%	13%

a = p. < .05

(52%) agreed that courts should do more to adjudicate laws against youth using or possessing tobacco products. A slightly higher percentage of judges (61%) thought that the courts should do more to adjudicate laws against merchants selling tobacco products to youth.

Similarly, about half (52%) of surveyed judges thought that they should do more to educate youth about tobacco. Only forty-four percent (44%) of judges believed they should become more involved in community efforts to reduce tobacco use. Similarly, exactly half of the surveyed judges (50%) stated that court docket space spent on tobacco laws could be better used for other offenses.

The surveyed judges do believe that they can play a strong role in stopping kids from obtaining tobacco products. Ninety-four percent (94%) of the judges disagreed with the statement that regardless of what they do, kids would be able to get a hold of tobacco. Enforcement area judges were significantly more likely to strongly disagree with this statement. Almost half of the judges (48%) somewhat or strongly disagreed that tobacco laws are largely unenforceable.

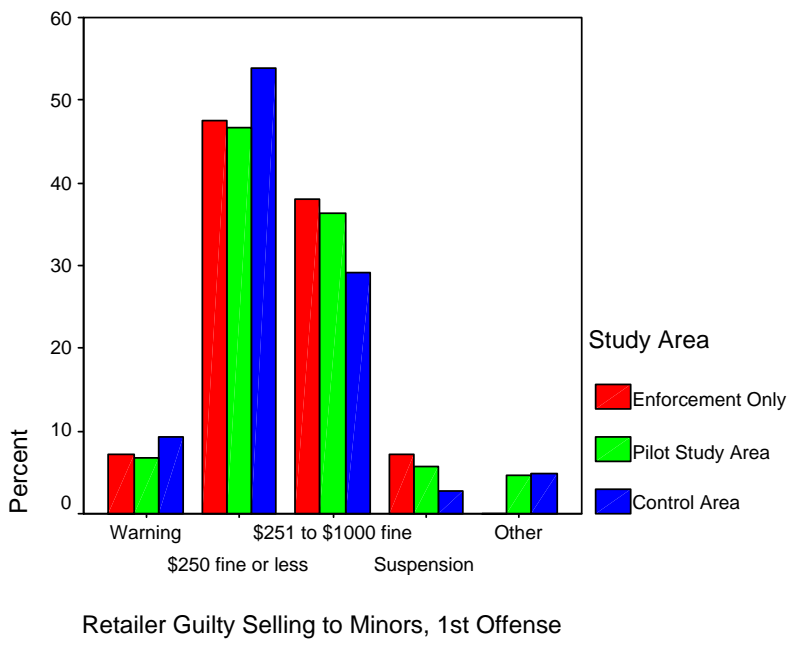
#### Typical Dispositions by Judges for Retailer Tobacco Law Violations

Judges were asked what their typical dispositions would be for several tobacco related offenses. If the judges had never been confronted with a particular type of tobacco law violation<sup>1</sup>, they were asked what they think their sentences would be and to choose among several types of dispositions. See the appendix for a range of these dispositions. The dispositions were collapsed into the following categories; a warning, \$250 fine or less, \$251 to \$1000 fine, suspension of license, revocation of license, and other.

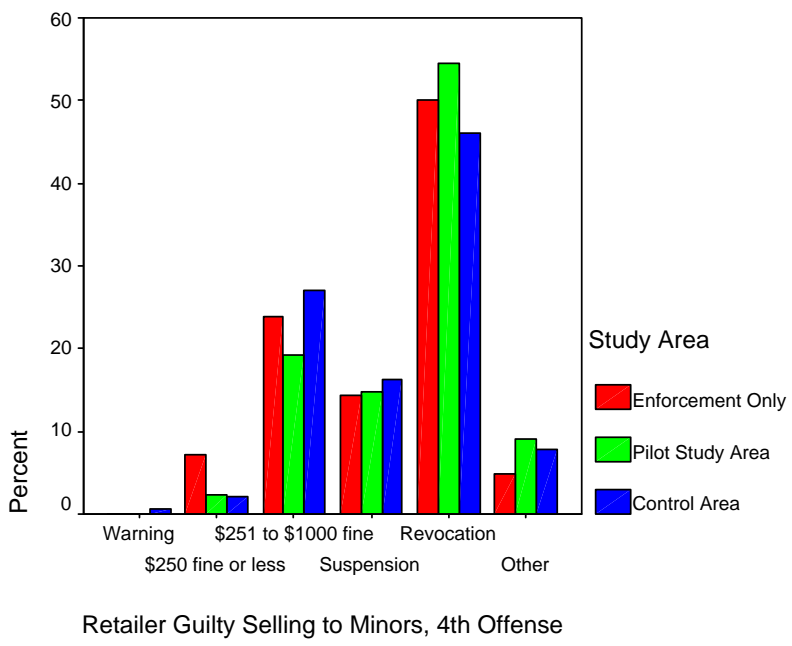
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<sup>1</sup> Not all survey items concerning dispositions are included because of substantial missing data

*Figure 1: Dispositions for Illegal Sales to Minors by Study Area, 1<sup>st</sup> Offense*



*Figure 2: Dispositions for Illegal Sales to Minors by Study Area, 4th Offense*



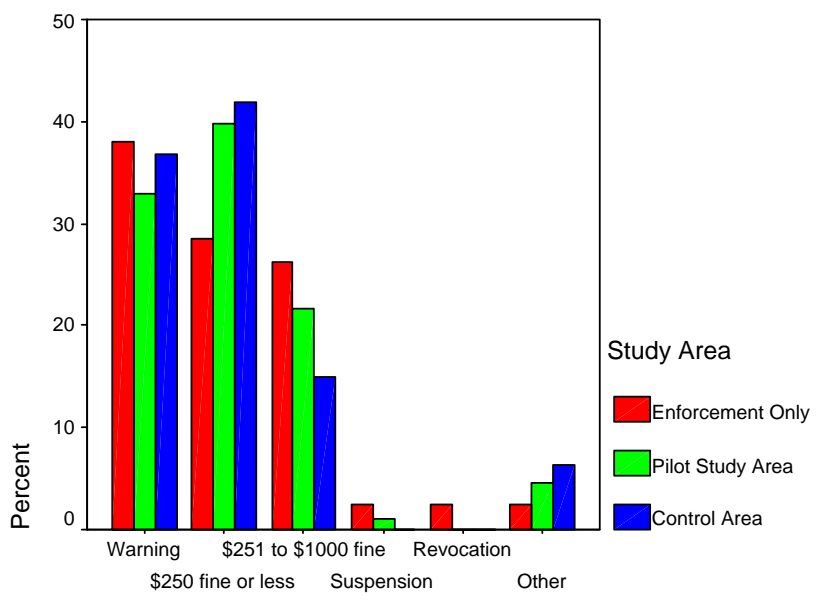
Judges' dispositions for illegal sales to minors for a first offense did not vary much in the three study areas (See Figure 1). Overall, approximately fifty percent of Judges favored a fine of \$250 or less. Thirty-three percent of judges favored a fine between \$251 and \$1000 dollars. Less than ten percent of judges favored a warning, suspension or some other disposition. No judge indicated that they would revoke a merchant's license for a first offense of selling tobacco to youth.

Dispositions for a fourth offense of selling tobacco to a minor changed dramatically from a first offense (See Figure 2). Again, there were not significant differences in dispositions by study area. The most common disposition was revocation of the merchant's license to sell tobacco (49% among all judges). The next most common disposition was a \$251 to \$1000 fine. Approximately sixteen percent of the judges stated they would suspend a license. Less than ten percent of judges stated they would give a warning, a fine of \$250 or less, or some other disposition.

Judges were also asked about their typical dispositions in cases where retailers fail to notify their employees about tobacco laws. The most common disposition for a first offense (See Figure 3) was a fine of \$250 or less (39%). Judges in the control area were most likely to impose this sanction (42%). The next most common disposition was a warning (36%) followed by a fine of \$251 to \$1000 (19%). Judges in the enforcement study area were most likely to warn merchants (38%) and impose the higher fine (26%). Only a small percentage of judges would suspend or revoke a license or impose some other type of sanction.

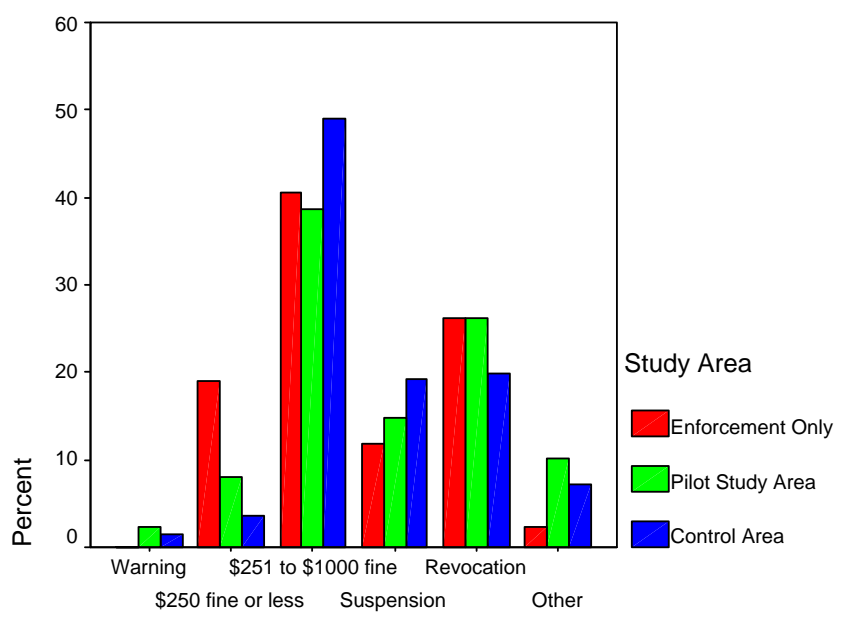
The most common type of disposition for retailers who fail to notify employees on a fourth offense (See Figure 4) was a \$251 to \$1000 fine (44% of judges in all three

Figure 3: Retailers Guilty of Failing to Notify Employees of Tobacco Laws, 1<sup>st</sup> Offense



Retailer Guilty of Failing to Notify Employee, 1st Offense

Figure 4: Retailers Guilty of Failing to Notify Employees of Tobacco Laws, 4<sup>th</sup> Offense



Retailer Guilty of Failing to Notify Employee, 4th Offense

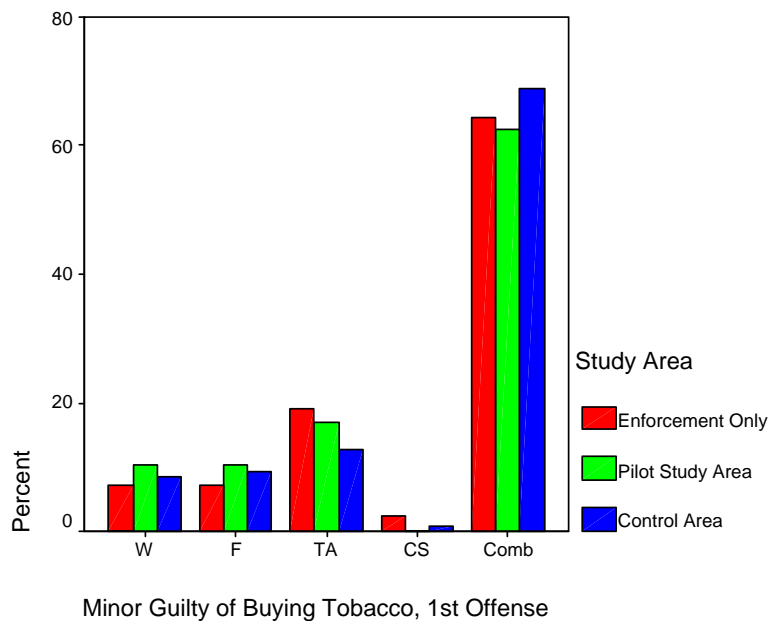


study areas ). Judges in the control study area were slightly more likely to choose this option (49%) while enforcement area judges were much more likely to impose a lesser fine (19%) than judges in the other areas. The next most common disposition was revocation of a merchant's tobacco license (23% of judges in all three study areas), followed by suspension of their license (17%). Warnings, lower fines, and some other disposition were the least common dispositions for a fourth offense of failing to notify employees.

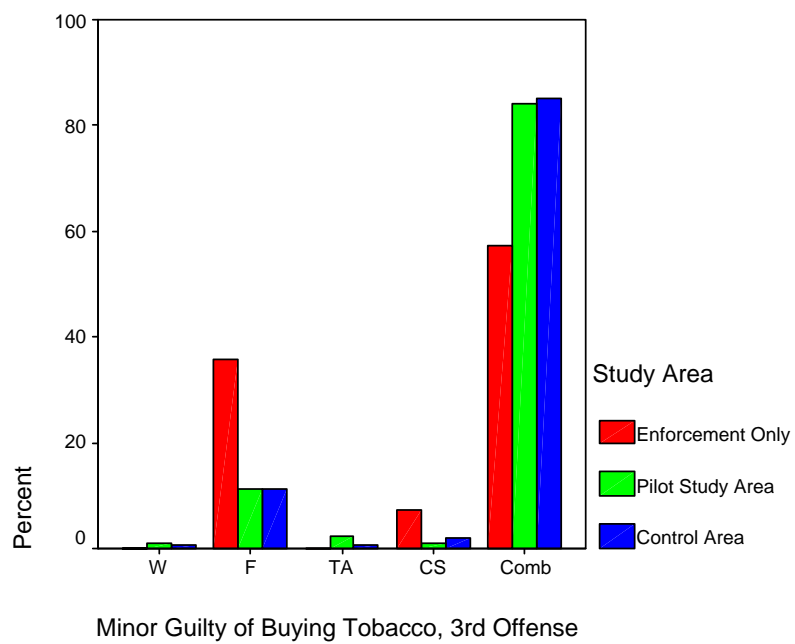
#### Typical Dispositions by Judges for Minor Tobacco Law Violations

For the minor tobacco law violations, judges were asked to select the disposition for a first, second, and third offense. The range of dispositions for minor in possession, in use, and attempting to purchase tobacco products included a warning, fine of \$100 or less, \$101 to \$250 fine, a tobacco awareness program, community service, and other. These categories were collapsed into warning, fine, tobacco awareness, community service, and some combination of fines, tobacco awareness, and community service. It was decided to display the results of only one minor tobacco law violation because the dispositions were virtually the same for all three types of offenses. Figure 5 displays the results of typical dispositions for a first offense of a minor caught using tobacco products. First of all, there is little difference in dispositions among the three study areas. The majority (66%) of judges stated that they would impose some combination of fines, tobacco awareness classes, and community service. If they were to impose a single disposition, the most popular was the tobacco awareness class (15%)

**Figure 5: Dispositions for Minor Tobacco Use by Study Area, 1<sup>st</sup> Offense**



**Figure 6: Dispositions for Minor Tobacco Use by Study Area, 3<sup>rd</sup> Offense**



followed by fines and warnings (9%). Less than one percent of judges would impose community service by itself.

Typical dispositions for a third offense of tobacco use by a minor are displayed in Figure 6. The total percentage of judges that would impose a combination of sentences increased to eighty percent. However, judges in the enforcement area were less likely to impose a combination of sentences (57%), and much more likely to impose only a fine (36%). The percentage of judges that would impose only a warning or tobacco awareness class decreased, while the imposition of community service increased slightly.

#### Frequency of Dispositions for Minor and Merchant Tobacco Law Violations

Judges were asked how many cases concerning minor in possession, attempts to purchase, and use of tobacco were disposed in the last year (See Table 9). There was little difference between judges in the three study areas concerning the frequency of dispositions for these offenses. The mean number of cases disposed across the three study areas was approximately thirty-nine. Judges in the enforcement study area averaged about ten fewer cases than the other study areas. While thirty-eight percent of all judges in the sample disposed of twenty or more cases involving violations of tobacco laws by minors, twenty percent of judges have not seen a single case in the last year. Also, twenty percent of judges in the sample had only disposed of five or fewer of these cases in the last year. Thus, there was tremendous variability in the experiences of judges concerning these cases.

In stark contrast to tobacco law violations by minors, sampled judges have seen very few cases involving merchant violations of tobacco laws (See Table 9). The mean

*Table 9: Frequency of Dispositions for Minor and Merchant Tobacco Law Violations*

		Study Area			Total
		Enforcement N = 41	Pilot N=88	Control N=136	N=265
How many cases concerning possessing, purchasing, consuming, or accepting tobacco products by underage youth did you adjudicate in the last 12 months?	None	14%	15%	26%	20%
	1 to 5	14%	26%	18%	20%
	6 to 10	17%	11%	8%	10%
	11 to 15	7%	6%	5%	6%
	16 to 20	12%	5%	4%	5%
	More than 20	36%	38%	40%	38%
Mean number of cases involving youth		31	41	40	39
How many cases concerning retailer or merchant violations did you adjudicate in the last 12 months?	None	64%	73%	75%	73%
	1 to 5	29%	21%	16%	20%
	6 or more	7%	6%	9%	7%
Mean number of cases involving merchants		2	1	3	2

number of violations for all judges was about two cases per year. In fact many judges refused to answer survey items specifically asking about typical dispositions for merchant violations because they had never seen these cases or were even aware the laws existed. Seventy-three percent of all sampled judges had never seen a case involving retailer violations of tobacco laws. Only seven percent of judges had seen more than five cases.

#### Attitudinal and Dispositional Differences Among Judges By Personal Tobacco Use

Within the survey we had asked judges whether or not they currently use tobacco products. A number of judges commented within the survey that their own tobacco use is irrelevant to their attitudes and how they adjudicate tobacco-related cases. The results presented in Table 10 would tend to counter those claims.

*Table 10: Attitudinal and Dispositional Differences Among Judges By Personal Tobacco Use*

		Use Tobacco At All	
		Yes (N = 51)	No (N = 220)
How serious of a problem is it that non-smokers breathe in other people's smoke?	Very serious	6%	34% <sup>b</sup>
	Serious	24%	26%
	Somewhat serious	47%	29%
	Not at all serious	24%	11%
Smoking in outdoor public areas like parks should be banned.	Strongly Agree	29%	10% <sup>b</sup>
	Somewhat Agree	28%	10%
	Neither Agree nor Disagree	18%	10%
	Somewhat Disagree	12%	35%
	Strongly Disagree	14%	35%
Texas legislature should ban smoking in work places and public buildings.	Strongly Agree	60%	18% <sup>b</sup>
	Somewhat Agree	16%	28%
	Neither Agree nor Disagree	11%	28%
	Somewhat Disagree	5%	10%
	Strongly Disagree	8%	18%
The government should not interfere with an individuals' decisions about tobacco use.	Strongly Agree	14%	29% <sup>a</sup>
	Somewhat Agree	29%	26%
	Neither Agree nor Disagree	19%	16%
	Somewhat Disagree	19%	24%
	Strongly Disagree	20%	6%
It is important that the government spend money on efforts to reduce tobacco use.	Strongly Agree	36%	18% <sup>b</sup>
	Somewhat Agree	36%	35%
	Neither Agree nor Disagree	13%	24%
	Somewhat Disagree	9%	8%
	Strongly Disagree	6%	16%
Mean number of questions concerning tobacco laws that were wrong		3.0	2.4 <sup>b</sup>
Index of perceptions of tobacco as a problem in the community		13.2	11.5 <sup>b</sup>
Index of perceptions of influences on youth to start smoking		13.2	11.4 <sup>b</sup>
Index of perceptions concerning tobacco legislation and proposals		19.0	16.1 <sup>b</sup>
Index of perceptions of the government's role		14.1	13.0 <sup>b</sup>
Mean number of cases involving youth possession, purchasing, or accepting tobacco did you adjudicate?		14.6	40.0 <sup>b</sup>

a =  $p < .05$ ; b =  $p < .001$

Non-tobacco using judges were much more likely than tobacco-using judges to believe that breathing in people's smoke was a very serious problem (34% of non-tobacco users strongly agreed with this statement compared to 6% of tobacco-using judges). Non-tobacco using judges were also much more likely to agree that smoking in outdoor public areas like parks should be banned (57% of non-tobacco users agreed with

this statement compared to 20% of tobacco-using judges). Non-tobacco using judges were significantly more likely to strongly agree with banning smoking in work places and public buildings (60% of non-tobacco users strongly agreed with this statement compared to 18% of tobacco-using judges). Judges that use tobacco were much more likely than non-tobacco using judges to strongly agree that the government should not interfere with an individual's decisions about tobacco use (29% of tobacco-using judges agreed with this statement compared to 14% of non-users). Finally, non-tobacco using judges were significantly more likely to agree that the government should spend money on efforts to reduce tobacco use (20% of non-tobacco-using judges agreed with this statement compared to 6% of tobacco-using judges).

We also constructed indexes of judges' knowledge of the law (see Table 2) as well as the attitudinal items previously discussed (see Tables 3-8). In Table 10 the differences in the mean indexes are presented by tobacco use among judges. First of all, judges who use tobacco products had significantly more legal questions answered wrong than non-tobacco-using judges (See Table 2 for a list of these items). Also, Judges that are non-tobacco users were much more likely to perceive tobacco use as a problem in their community (See Table 3 for a list of these items).

Judges who do not use tobacco products were much more likely to believe that the illegal sale of tobacco, peers, parents, tobacco advertising, and the price of tobacco influenced youth to start smoking (See Table 4 for a list of these items). Non-tobacco-using judges were much more likely to support legislation and proposals limiting or banning tobacco sales or advertising. Non-tobacco-using judges were also more likely to support government efforts to reduce tobacco use than judges that use tobacco products.

By far the most important issue concerning tobacco use by judges is whether it impacts their dispositions. It is not displayed in Table 10, but there was not a significant difference in the number of retailer violations adjudicated in the last year between judges who use or do not use tobacco products. There are very few of these cases currently processed in municipal and justice of the peace courts. However, there was a substantial difference in the mean number of adjudications for youth violations by tobacco use among judges. Judges that use tobacco were almost three times less likely to adjudicate a youth for possessing, purchasing, or accepting tobacco. It appears to be the case that judges who use tobacco products are dismissing a large number of cases concerning youthful violations.

### **Discussion**

At this time we will address the research questions outlined at the beginning of this report.

#### ***What are the attitudes of judges toward the state's tobacco laws?***

There was very little difference in attitudes of judges across the three study sites. Thus, we will discuss the attitudes of judges who participated in the study in general terms. First of all, judges were less likely to be tobacco users than law enforcement officers. This likely had an impact on their attitudes. The majority of judges believed that tobacco use is a problem in their community, though most do not believe that advertising is a problem. Also, the vast majority believe youth should have to pay fines if caught

buying tobacco products. The vast majority of judges also believe that the government should spend money on efforts to reduce tobacco use. However, only about one-third believe that the settlement with tobacco companies will have an impact on reducing tobacco use by Texans.

Judges tended to agree that adjudicating the state's tobacco laws was an important function within their court and a majority believed that courts should do more. The majority of judges believed that they should do more to adjudicate tobacco laws against both youth and merchants. Finally, ninety-four percent of judges disagreed with the statement that regardless of what they do, kids can get a hold of tobacco anyway. While judges have not heard a great deal of tobacco related cases (at least retailer tobacco cases), they certainly appear willing to adjudicate tobacco laws.

The sample of judges as a whole tends to believe that tobacco is a problem in their community, that there are multiple influences on youth to start smoking, and agree with many anti-tobacco legislation and proposals. However, these attitudes differ tremendously based on whether judges use tobacco products themselves. Judges that use tobacco products are much more likely to have negative attitudes concerning tobacco regulation and control and less likely to perceive tobacco use as a problem.

***What types of dispositions are being delivered to minors found to be in possession of or purchasing tobacco products?***

Judges are overwhelmingly utilizing a combination of dispositions toward juveniles who have violated tobacco laws instead of any single type of disposition. For a first offense of tobacco use by a minor, sixty-six percent of judges stated they use a



combination of fines, tobacco awareness course, and community service. If they were to use one of the three types of dispositions, it was most likely to be the tobacco awareness class. For a third offense of tobacco use by a minor, eighty percent of judges stated they use a combination of fines, tobacco awareness course, and community service. In this case if they were to use one of the three types of dispositions, it was most likely to be fines. The use of fines rather than a combination of dispositions was especially evident within the enforcement study area. Judges are disposing of an average of thirty-nine cases involving youth possession, purchase, or use of tobacco products per year. The average number of youth tobacco dispositions in the enforcement area was thirty-one. Thus, on the average, there are actually more youth tobacco law cases coming to the attention of judges outside the enforcement study area.

One of the most striking findings to come out of this study is that judges who use tobacco products are much less likely to adjudicate minors for violating tobacco laws. In fact, they are almost three times less likely to have adjudicated minor in possession cases against youth than non-tobacco-using judges. It is clear that tobacco-using judges are dismissing many of these cases outright. Certainly this practice goes against the clear intentions of the Texas legislature to penalize and deter tobacco use among youth. It also tends to send the message that tobacco use among youth is not a serious matter to many judges.

***What types of dispositions are being delivered to merchants that have violated tobacco laws?***

For a first offense of selling tobacco to a minor, fifty percent of judges stated that

they fine retailers \$250 or less and thirty-three percent of judges prefer a fine in the range of \$251 to \$1000 dollars. A small percentage of judges utilize warnings, suspended licenses, or some other type of disposition. By the time they see a fourth offense for selling to minors, the vast majority of judges favor revoking the retailer's license. Fines in the range of \$251 to \$1000 were the second most common response, followed by suspending the license of the retailer. None of these results varied significantly by study area or by whether the judge is a personal user of tobacco products.

While judges clearly are willing to enforce tobacco laws against merchants, they are seeing very few of these cases. Overall, judges are seeing about two retailer tobacco law violations per year. Over and over, surveys had written remarks from judges stating that they have never heard of these laws or that none of these types of cases have come before their bench. In fact, many refused to answer this portion of the survey because they didn't have any experience in these types of cases.

***What are some of the challenges faced by the courts in monitoring dispositions of tobacco violations?***

As stated above, courts have little experience with tobacco laws impacting retailers. They do have experience with youthful tobacco law violations. Judges are aware of tobacco awareness classes and utilize them frequently (in fact, they are preferred over all other types of dispositions). In fact, fifty-nine percent of judges stated that they make parents attend tobacco awareness classes with their children. Almost all judges (93%) stated that they suspend a minor's driver's license if they do not attend and complete the

tobacco awareness course. Thus, it is fairly clear that judges are monitoring and enforcing tobacco laws against youth.

Those judges that do not have access to a tobacco awareness class (and even some judges that do have access) are utilizing a wide variety of community service approaches. Many judges require youth to write essays about the harmful effects of tobacco, others require youth to pick-up cigarette butts at city parks. Several judges require youth to work in the cancer wards of local hospitals.

### **Recommendations**

- We believe it is critical that a comprehensive training program be developed to instruct the judiciary about state and local tobacco laws, as well as the most frequent type of tobacco law enforcement activities. It would also be beneficial to conduct training for other legal officers such as local prosecutors, defense attorneys, and probation officers. It is clear from survey results that many judges are unaware of several state tobacco laws (especially laws impacting retailers) simply because they rarely see these cases. As enforcement activities throughout the state increase, it will be critical to include judges and other judicial officers in the process.
- One of the messages to come out of the survey data is that even though judges have not seen many retailer-related tobacco cases, as a whole they do have positive attitudes about enforcement activities and believe the courts should be more involved in anti-tobacco efforts. Survey data also make it clear that many judges are willing to impose stiff fines against merchants and suspend and revoke

licenses. Thus, municipal and justice of the peace courts should be encouraged to take a more active role in anti-tobacco initiatives as they develop in the future, especially in the area of enforcement.

- Many judges throughout the state have imposed many different types of community service activities for youth either in lieu of a tobacco awareness program or in addition to it. It would be beneficial for judges to have some type of forum to discuss the types of community service (or other sanctions for that matter) they believe have been effective in reducing tobacco use.
- Finally, it was startling to find that the personal tobacco use of judges impacted their willingness to adjudicate tobacco violations concerning minors. Attitude questions make it apparent that many of these judges simply do not perceive tobacco use as a serious problem. Judges need to be confronted regarding how their own attitudes about tobacco may impact their decisions to adjudicate these cases and usurp the will of the state legislature.

**Appendix**

**Judicial Survey**



# TEXAS TOBACCO PREVENTION INITIATIVE JUDICIAL SURVEY



School of Juvenile Justice & Psychology  
Prairie View A&M University

**The following questions ask for some background information about yourself.**

How many years of judicial experience do you have? \_\_\_\_\_

What is your age in years? \_\_\_\_\_

What is your gender?

Male ( )

Female ( )

What is your race or ethnicity?

Caucasian ( )

African American ( )

Hispanic ( )

Asian ( )

Native American ( )

Other ( )

\_\_\_\_\_

**The next group of questions asks about tobacco use.**

Do you now smoke cigarettes everyday, some days, or not at all?

Everyday ( )

Some days ( )

Not at all ( )

On the average, about how many cigarettes a day do you now smoke?

1 Pack = 20  
cigarettes

\_\_\_\_\_

Do you use other tobacco products, such as chewing tobacco, cigars, or pipes, everyday, some days, or not all?

Everyday ( )

Some days ( )

Not at all ( )

**The next questions are about your knowledge of the state's tobacco laws.**

According to Texas law, what is the maximum possible fine for youth under age 18 caught in possession of tobacco products?

\$50 ( )

\$100 ( )

\$250 ( )

\$500 ( )

According to Texas law, a minor's driver's license may be suspended for purchasing tobacco products if....

it is a second offense ( )

it is a third offense ( )

they do not attend a tobacco awareness program or do tobacco related community service ( )

there is no provision for suspending a minor's drivers license ( )

What is the maximum possible fine for store clerks that sell tobacco products to a minor?

\$50 ( )

\$100 ( )

\$250 ( )

\$500 ( )

According to Texas law, can any law enforcement officer enforce the state's tobacco laws?

Definitely Yes ( )

Probably Yes ( )

Probably No ( )

Definitely No ( )

Anyone appearing under what age must be asked for proof of identification?

- 18 ( )  
 21 ( )  
 24 ( )  
 27 ( )

According to Texas law, what is the penalty, for the first offense, if a retailer does not inform employees about current tobacco laws?

- \$250 ( )  
 \$500 ( )  
 \$750 ( )  
 Suspension of permit to sale tobacco ( )

All states must use “random, unannounced inspections” of retailers selling tobacco products to determine if tobacco laws are being adhered to?

- Definitely yes ( )  
 Probably yes ( )  
 Probably no ( )  
 Definitely no ( )

How are you informed about changes in state law?

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Are there other local tobacco ordinances in effect in your jurisdiction?

- Yes ( )  
 No ( )

If there are other local tobacco ordinances in your jurisdiction, would you say they are more or less stringent than state laws?

- More ( )  
 Less ( )  
 About the same ( )  
 There are no local tobacco ordinances ( )

**The next questions ask about your beliefs regarding tobacco use, the health effects of tobacco, and advertising by tobacco companies.**

How closely have you followed the issues of tobacco use and public efforts to regulate and control it in Texas?

- Very Closely ( )  
 Somewhat Closely ( )  
 Only a Little ( )  
 Not at All ( )

How serious a problem would you say tobacco use is in your community?

- Very Serious ( )  
 Serious ( )  
 Somewhat Serious ( )  
 Not at All Serious ( )

How serious of a problem is it that kids can get tobacco products in your community?

- Very Serious ( )  
 Serious ( )  
 Somewhat Serious ( )  
 Not at All Serious ( )

How serious of a problem is it that non-smokers breathe in other people’s smoke in your community?

- Very Serious ( )  
 Serious ( )  
 Somewhat Serious ( )  
 Not at All Serious ( )



How serious of a problem is it that tobacco products are advertised in many areas of your community?

- Very Serious ( )
- Serious ( )
- Somewhat Serious ( )
- Not at All Serious ( )

**How much do you think the following influence a child or teenager to start smoking?**

Illegal sale of tobacco products to youth.

- A lot ( )
- Some ( )
- A Little ( )
- None ( )

What about peer-influence of other young people?

- A lot ( )
- Some ( )
- A Little ( )
- None ( )

What about tobacco advertising and promotion?

- A lot ( )
- Some ( )
- A Little ( )
- None ( )

What about parents smoking?

- A lot ( )
- Some ( )
- A Little ( )
- None ( )

What about the price of tobacco?

- A lot ( )
- Some ( )
- A Little ( )
- None ( )

**To what extent do you agree or disagree that...**

Store owners should have a license to sell cigarettes and other tobacco products, just like alcoholic beverages.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

Youths under 18 should be made to pay fines if they are caught buying tobacco products.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

Police "sting" operations increase compliance with youth tobacco access laws.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

Tobacco advertising in stores should be banned.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

Smoking in outdoor public areas like parks should be banned.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

The Texas Legislature should adopt a statewide smoke-free law banning smoking in work places and public buildings.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

Kids under age 18 should be prohibited from wearing or bringing to school items that have a tobacco brand name or picture on them.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

Tobacco companies should not be allowed to sponsor sporting events, fairs, or community events.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

The advertising of tobacco products on outdoor billboards, buses, and bus shelters should be banned.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

The government should not interfere with individuals' decisions about tobacco use.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

It is important that the government spend money on efforts to reduce tobacco use.

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

How much impact do you think the money Texas is receiving from the state's settlement with the tobacco companies will have on reducing smoking by Texans?

- A Great Deal ( )
- Some ( )
- Only a Little ( )
- None at All ( )
- Not Sure ( )

Where do you think laws and controls on the sale and use of tobacco should be made?

- State Level ( )
- County Level ( )
- Local Community ( )
- All of the Above ( )
- None of the Above ( )
- Not Sure ( )

**To what extent do you agree or disagree that...**

People can get addicted to cigarette smoking just like they can get addicted to cocaine or heroin

- Strongly Agree ( )
- Somewhat Agree ( )
- Neither Agree nor Disagree ( )
- Somewhat Disagree ( )
- Strongly Disagree ( )

Tobacco companies should have the same right to market their products as other companies

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

Tobacco companies have tried to mislead youth or teens to get them to buy their products

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

Tobacco companies use advertising to attract young people

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

**The next questions ask about your beliefs regarding the enforcement of tobacco laws.**

**To what extent do you agree or disagree that...**

Enforcing the state's tobacco laws is an important function of my court

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

Judges should do more to enforce laws against youth illegally using or possessing tobacco products

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

Judges should do more to enforce laws against merchants selling tobacco products to youth

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

**To what extent do you agree or disagree that...**

Judges should do more to educate youth about the dangers of tobacco use

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

Judges should become more involved in community efforts to reduce tobacco use among youth

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

Court docket space spent on tobacco laws could be better used elsewhere

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

Regardless of what judges do, kids are able to get a hold of tobacco products anyway

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

The state tobacco laws are largely unenforceable

- Strongly Agree ( )  
 Somewhat Agree ( )  
 Neither Agree nor Disagree ( )  
 Somewhat Disagree ( )  
 Strongly Disagree ( )

**The following questions pertain to your dispositions toward retailers regarding violations of state and local tobacco laws. What would be your typical disposition in the following cases? Please place a check mark next to all that apply.**

A retailer is found guilty of selling tobacco products to youth under age 18

#### 1st Offense

- Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

#### 2<sup>nd</sup> Offense

- Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

#### 3<sup>rd</sup> Offense

- Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

#### 4th Offense

- Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

A retailer is found guilty of selling individual packages of cigarettes containing fewer than 20 cigarettes (kiddy packs).

#### 1st Offense

- Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

#### 2<sup>nd</sup> Offense

- Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**4th Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

A retailer is found guilty of failing to notify an employee of the consequences of violating tobacco laws at least 72 hours prior to the employee beginning to sell tobacco products.

**1st Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**4th Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

A retailer is found guilty of not maintaining “employee notification” forms used to document that employees have had the tobacco law explained to them, that they understand the law, and have agreed to comply with the law.

**1st Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**4th Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

A retailer is found guilty of not presenting employee notification forms to law enforcement or state officials on request.

**1st Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**4th Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

A retailer is found guilty of not conspicuously displaying a sign warning employees and customers about the tobacco law and the penalties for violations of the law.

**1st Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Offense**

Warning ( )  
 Fine of \$100 or less ( )  
 \$101 to \$250 fine ( )  
 \$251 to \$500 fine ( )  
 \$501 to \$750 fine ( )  
 \$751 to \$1000 fine ( )  
 Suspension of license ( )  
 Revocation of license ( )  
 Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Offense**

- Warning ( )
- Fine of \$100 or less ( )
- \$101 to \$250 fine ( )
- \$251 to \$500 fine ( )
- \$501 to \$750 fine ( )
- \$751 to \$1000 fine ( )
- Suspension of license ( )
- Revocation of license ( )
- Other ( ) \_\_\_\_\_

**4th Offense**

- Warning ( )
- Fine of \$100 or less ( )
- \$101 to \$250 fine ( )
- \$251 to \$500 fine ( )
- \$501 to \$750 fine ( )
- \$751 to \$1000 fine ( )
- Suspension of license ( )
- Revocation of license ( )
- Other ( ) \_\_\_\_\_

A retailer is found guilty of placing tobacco vending machines in a manner that allows customers direct access to the cigarettes or tobacco, in a facility or business that is open to persons under age 18.

**1st Offense**

- Warning ( )
- Fine of \$100 or less ( )
- \$101 to \$250 fine ( )
- \$251 to \$500 fine ( )
- \$501 to \$750 fine ( )
- \$751 to \$1000 fine ( )
- Suspension of license ( )
- Revocation of license ( )
- Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Offense**

- Warning ( )
- Fine of \$100 or less ( )
- \$101 to \$250 fine ( )
- \$251 to \$500 fine ( )
- \$501 to \$750 fine ( )
- \$751 to \$1000 fine ( )
- Suspension of license ( )
- Revocation of license ( )
- Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Offense**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. \$251 to \$500 fine ( )
5. \$501 to \$750 fine ( )
6. \$751 to \$1000 fine ( )
7. Suspension of license ( )
8. Revocation of license ( )
9. Other ( ) \_\_\_\_\_

**4th Offense**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. \$251 to \$500 fine ( )
5. \$501 to \$750 fine ( )
6. \$751 to \$1000 fine ( )
7. Suspension of license ( )
8. Revocation of license ( )
9. Other ( ) \_\_\_\_\_

A retailer is found guilty of displaying tobacco advertisements within 1,000 feet of a school or church.

**1st Offense**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. \$251 to \$500 fine ( )
5. \$501 to \$750 fine ( )
6. \$751 to \$1000 fine ( )
7. Suspension of license ( )
8. Revocation of license ( )
9. Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Offense**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. \$251 to \$500 fine ( )
5. \$501 to \$750 fine ( )
6. \$751 to \$1000 fine ( )
7. Suspension of license ( )
8. Revocation of license ( )
9. Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Offense**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. \$251 to \$500 fine ( )
5. \$501 to \$750 fine ( )
6. \$751 to \$1000 fine ( )
7. Suspension of license ( )
8. Revocation of license ( )
9. Other ( ) \_\_\_\_\_

**4th Offense**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. \$251 to \$500 fine ( )
5. \$501 to \$750 fine ( )
6. \$751 to \$1000 fine ( )
7. Suspension of license ( )
8. Revocation of license ( )
9. Other ( ) \_\_\_\_\_

**The following questions pertain to your dispositions for violations of state and local tobacco laws with regard to minors. What would be your typical disposition in the following cases?**

A minor is found guilty of buying tobacco products.

**1st Time**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. Tobacco Awareness Program ( )
5. Community Service ( )
6. Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Time**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. Tobacco Awareness Program ( )
5. Community Service ( )
6. Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Time**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. Tobacco Awareness Program ( )
5. Community Service ( )
6. Other ( ) \_\_\_\_\_

A minor is found guilty of using tobacco products.

**1st Time**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. Tobacco Awareness Program ( )
5. Community Service ( )
6. Other ( ) \_\_\_\_\_

**2<sup>nd</sup> Time**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. Tobacco Awareness Program ( )
5. Community Service ( )
6. Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Time**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. Tobacco Awareness Program ( )
5. Community Service ( )
6. Other ( ) \_\_\_\_\_

A minor is found guilty of being in possession of tobacco products.

**1st Time**

1. Warning ( )
2. Fine of \$100 or less ( )
3. \$101 to \$250 fine ( )
4. Tobacco Awareness Program ( )
5. Community Service ( )
6. Other ( ) \_\_\_\_\_



**2<sup>nd</sup> Time**

- 1. Warning ( )
- 2. Fine of \$100 or less ( )
- 3. \$101 to \$250 fine ( )
- 4. Tobacco Awareness Program ( )
- 5. Community Service ( )
- 6. Other ( ) \_\_\_\_\_

**3<sup>rd</sup> Time**

- 1. Warning ( )
- 2. Fine of \$100 or less ( )
- 3. \$101 to \$250 fine ( )
- 4. Tobacco Awareness Program ( )
- 5. Community Service ( )
- 6. Other ( ) \_\_\_\_\_

If you require a minor to attend a tobacco awareness program, how often would you also require that their parents attend?

- 1. Always ( )
- 2. Sometimes ( )
- 3. Rarely ( )
- 4. Never ( )

If a minor violates a tobacco law and does not complete a court-ordered community service or a tobacco awareness class, would you suspend or deny their driver's license?

- 1. Yes ( )
- 2. No ( )

If you sentence a minor to community service for violating tobacco laws, what type of community service do you impose?

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Approximately how many cases concerning possessing, purchasing, consuming, or accepting tobacco products by underage youth did you adjudicate in the past 12 months?

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Approximately how many cases concerning retailer or merchant violations did you adjudicate in the past 12 months?

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**Are there any other comments that you would like to make concerning this survey or tobacco laws?**

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Thank you for your participation in this survey!