



# Research Protocol for CityHealth: Tobacco 21 Laws

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## CITYHEALTH: TOBACCO 21 LAWS

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# Research Protocol

- I. **Date of Protocol:** June 10, 2016; October 13, 2016; February 2, 2017
- 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 January 15, 2016.
- 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.