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TOBACCO RETAIL LICENSING AND ZONING IN KANSAS

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Executive Summary

In the United States, tobacco use remains the leading cause of preventable disease, disability and death. Youth tobacco product use especially has negative health consequences including addiction and lifelong chronic disease. Early use of tobacco products is a major factor in developing and sustaining addiction because the adolescent brain is still in development and is uniquely vulnerable to nicotine and its reinforcing effects. Research shows that rates of tobacco use are higher in rural than urban populations, yet rural communities often lack the tobacco control policy coverage present in more urban areas. Additionally, urban and rural neighborhoods with a higher proportion of African American residents, urban neighborhoods with a higher proportion of Hispanic residents, and urban and rural low-income neighborhoods generally have a greater density of tobacco retailers and experience higher tobacco use rates.

Based on data from the 2019 Youth Risk Behavior Survey (YRBS) and 2020 Kansas Behavioral Risk Factor Surveillance System (BRFSS):

- One in four (25.8 percent) high school students used cigarettes, cigars, smokeless tobacco or an electronic vapor product in the past 30 days.
- An estimated 10.5 percent of young adults age 18–24 smoke cigarettes.
- Nearly one-third (29.9 percent) of adults earning less than \$25,000 annually smoke cigarettes.
- Adults with less than a high school education (34.4 percent), high school diploma/GED (22.1 percent) and some college (16.5 percent) have significantly higher smoking prevalence than college graduates (6.1 percent).

The Kansas Department of Health and Environment (KDHE) contracted the Kansas Health Institute (KHI) to develop a report describing the landscape of tobacco retail licensing and zoning in Kansas and policies that Kansas communities could consider adopting to curb youth access to tobacco products.

Licensing and zoning laws are two prominent strategies to impact the density of tobacco retailers. Licensing laws generally require that businesses obtain a license to operate a certain type of business, whereas zoning regulates how land can be used. Both strategies can be used to restrict tobacco retailers' density, type and location. Tobacco Retail Licensing (TRL) is when

a local or state government requires certain types of businesses to purchase government-issued retail licenses that grant license-holding businesses permission to sell tobacco products under certain conditions. The Surgeon General has found that licensing retailers is an evidence-based tobacco control measure to reduce tobacco use. In addition, requiring a license for tobacco retailers lets states and localities know who is selling tobacco products in their jurisdiction, allowing states and localities to enact and enforce policies that help to prevent young people from ever starting to use tobacco products and that address disparities in tobacco use rates.

There are at least 380,000 tobacco retailers in the United States. In Kansas, there are 2,748 tobacco retailers. Using three measures of retailer density — (1) total count of tobacco retailers, (2) tobacco retailers per 1,000 population and (3) tobacco retailers per land area (square mile) — different aspects of the environment were captured. Generally, more urban parts of the state — Sedgwick, Johnson, Shawnee and Wyandotte counties — have the highest number of tobacco retailers (466, 319, 163 and 158, respectively). In addition, more urban parts of the state — Wyandotte, Johnson, Sedgwick and Shawnee counties — have more tobacco retailers per 10 square miles (10.4, 6.7, 4.7 and 3.0, respectively). However, the rural parts of the state — Northwest, North Central, Southwest and Southeast Kansas — generally have more tobacco retailers per 1,000 population (1.7 and 1.2 to 1.3, respectively) compared to less than one tobacco retailer per 1,000 population in South Central and Northeast Kansas. (*Figure 2*, page 4).

The Family Smoking Prevention and Tobacco Control Act of 2009 (Tobacco Control Act) directed the Food and Drug Administration (FDA) to issue regulations to restrict cigarette and smokeless tobacco retail sales to youth and to restrict tobacco product advertising and marketing to youth. However, youth access policies are enforced at the local and state levels. Kansas localities have broad constitutional powers — referred to as “Home Rule” powers — granted under Article 12, Section 5, of the Kansas Constitution for self-government. While the minimum legal age (MLA) for purchasing tobacco products in the United States has been raised from 18 to 21 years of age, enforcement of that federal change has been left up to each state. Since, as of October 2021, Kansas has passed no such law, the MLA to purchase tobacco in the state is still 18, resulting in unclear enforcement and jurisdiction issues. Kansas state law also contains no pre-emption language regarding restrictions of access to tobacco adopted at the local level.

As of March 31, 2021, 29 states (including Kansas), the District of Columbia (DC), and three territories require retailers to have a license to sell either conventional tobacco products or e-cigarettes over the counter; 23 states (including Kansas), DC, and the Northern Mariana Islands allow licenses to be either suspended or revoked for violating the e-cigarette retailer licensing requirements; and 18 states (including Kansas), DC, and four territories allow these penalties if retailers sell conventional tobacco products or e-cigarettes to youth.

TRL laws have been proven effective in limiting youth access to tobacco, and strong TRL laws with annual fees create self-financing programs that allow for regular enforcement and facilitate comprehensive local enforcement of all tobacco-related laws. Hence, effective licensing and zoning ordinances generally contain several common components, including clear definitions and concise language; a well-crafted implementation process; appropriate fees; robust enforcement options; and an outlined fines, penalties and appeals process. It is also generally recommended that the agencies and entities responsible for issuing licenses be heavily involved in drafting and development of ordinances. Examples of cities in Kansas that have licensing and/or zoning ordinances include the cities of Newton, Shawnee and Wichita. Policymakers across the state could use those examples to implement new TRL and zoning laws or to modify existing ones.

Introduction

Tobacco use continues to be the number one preventable cause of death, and most tobacco users become addicted before age 18.¹ Teenagers obtain cigarettes from two primary sources: commercial sources (direct retail purchase) and social sources (buying or being given cigarettes from friends, acquaintances, and relatives).² Adolescents and young adults may identify certain retailers who will sell tobacco products to them while underage.³ Requiring a license for tobacco retailers allows states and localities to know who is selling tobacco products in their jurisdiction and where it is being sold in their jurisdiction. Licensing allows localities to enact and enforce policies that help to prevent young people from ever starting to use tobacco products and that address disparities in tobacco use rates.⁴

All states have the legal authority to require tobacco retailers to obtain a license before selling tobacco products. Under licensing laws, states have reduced or restricted the number, location, density and types of tobacco retail outlets; limited point-of-sale advertising and product placement; and required retailers to comply with other tobacco control measures.⁵ Zoning grants rights that are attached to the land a retailer occupies, while licensing grants rights to the license holder.⁶

About This Report

The Kansas Department of Health and Environment (KDHE) contracted the Kansas Health Institute (KHI) to develop a report describing the landscape of tobacco retail licensing and zoning in Kansas as well as policies that Kansas communities could consider adopting to curb youth access to tobacco products. Informed by a meeting of key stakeholders from various agencies and nonprofits — including KDHE, the American Lung Association (ALA), Kansas tobacco prevention program leadership from the Resist Youth Council, Medical Society of Sedgwick County, Tobacco Free Kansas Coalition (TFKC), American Cancer Society Cancer Action Network (ACS CAN), University of Kansas Medical Center (KUMC), Johnson County Department of Health and Environment, American Heart Association (AHA) and KHI — this report includes the following information: background on youth tobacco use nationally and in Kansas; information on tobacco use and related health disparities in the United States; the legal landscape of Tobacco Retail Licensing (TRL) and zoning in Kansas; a comparison of Kansas licensing and zoning laws to neighboring states; best practices for implementing TRL and zoning laws; tobacco retail outlet density for each Kansas county (which is calculated as the

number of tobacco retail outlets per 1,000 people for each county); and case studies of three Kansas communities. Lastly, it summarizes key take-aways and conclusions.

For the purposes of this report, “tobacco products” is defined as products regulated by the Food and Drug Administration (FDA), which includes cigarettes, all cigars (including cigarillos), dissolvables, roll-your-own tobacco, pipe tobacco, smokeless tobacco (including dip, snuff, snus and chewing tobacco), hookah tobacco, nicotine gels and e-cigarettes (also could include vaporizers, e-cigars, e-pipes, vape pipes, vaping pens, e-hookahs, hookah pens and other electronic nicotine delivery systems).

Under 2020 K.S.A. Chapter 79: Article 33, Section 1:

- "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco;⁷ and
- "Tobacco products" means cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products do not include cigarettes.⁸

Youth Tobacco Product Use

Youth tobacco product use has negative health consequences including addiction and lifelong chronic disease.⁹ According to the 2019 Youth Risk Behavior Survey (YRBS) — a national survey conducted by the Centers for Disease Control and Prevention every two years — one in four (25.8 percent) high school students (9th to 12th grade students) in Kansas used cigarettes, cigars, smokeless tobacco or an electronic vapor product in the past 30 days and nearly half (48.6 percent) had ever used electronic vapor products (*Figure 1*, page 3).^{10,11} Early use of tobacco products is a major factor in developing and sustaining addiction because the adolescent brain is still in development and is uniquely vulnerable to nicotine and its reinforcing effects. The data suggest that if someone is not a regular smoker by age 25, it is highly unlikely they will become one.¹² Friends and family (social sources) play a central role in establishing

adolescent tobacco use patterns and youth often rely on peers, age 18–19, who may still be in high school, to get tobacco products.¹³ Several studies also have found that youth are more likely to smoke when they live or go to school in neighborhoods with a high density of tobacco retailers.¹⁴

Figure 1. Prevalence Rates for Tobacco Product Use Among High School Students in Kansas and the U.S., 2019

	Kansas 2019	United States 2019
Cigarettes		
Ever tried a cigarette	24.8%	24.1%
Smoked cigarettes in the past 30 days	5.8%	6.0%
Currently smoking cigarettes daily	1.3%	1.1%
Electronic Vapor Products		
Ever used an electronic vapor product	48.6%	50.1%
Used an electronic vapor product in the past 30 days	22.0%	32.7%
Currently using electronic vapor products daily	5.2%	7.2%
Overall		
Used cigarettes, cigars, smokeless tobacco or an electronic vapor product in the past 30 days	25.8%	36.5%
Did not try to quit using all tobacco products including cigarettes, cigars, smokeless tobacco, shisha or hookah tobacco, and electronic vapor products ever during the past year	54.2%	52.4%

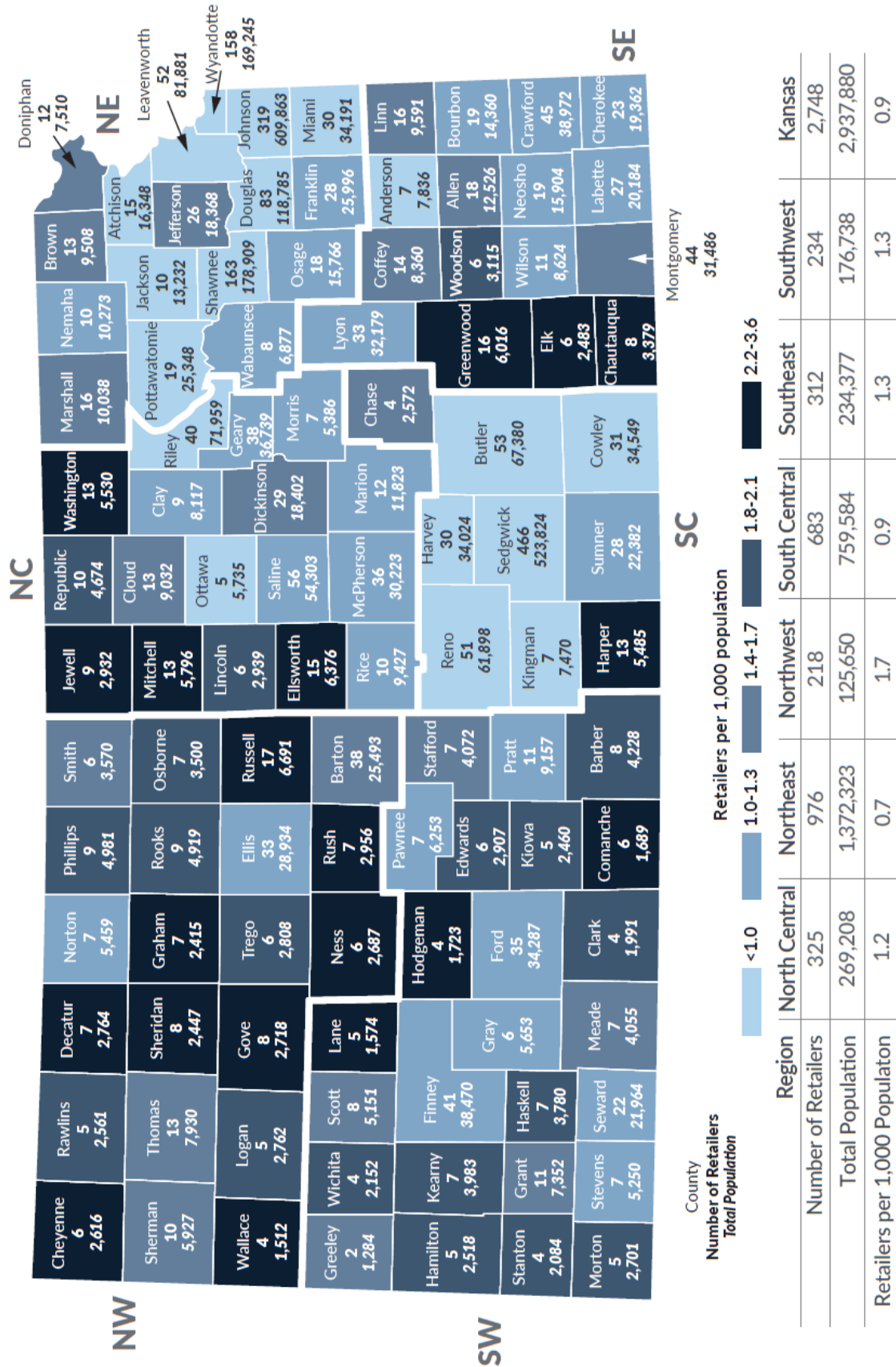
Note: High School students are defined as youth in grades 9-12.

Source: KHI summary of data from the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance Survey, 2019.

Distribution of Tobacco Retailers

There are at least 380,000 tobacco retailers in the United States.¹⁵ In Kansas, there were 2,748 tobacco retailers as of October 2021. Using three measures of tobacco retailer density — (1) total count of tobacco retailers, (2) tobacco retailers per 1,000 population, and (3) tobacco retailers per land area (square mile) — different aspects of the environment were captured. Generally, more urban parts of the state have more tobacco retailers (976 in Northeast Kansas and 683 in South Central Kansas) and more tobacco retailers per 10 square miles (1.0 in Northeast Kansas and 0.8 in South Central Kansas). However, the rural parts of the state — Northwest, North Central, Southwest and Southeast Kansas— generally have more tobacco retailers per 1,000 population (1.7 and 1.2 to 1.3, respectively) compared to less than one tobacco retailer per 1,000 population in South Central and Northeast Kansas (*Figure 2*, page 4, and *Appendix A*, page A-1).

Figure 2. Distribution of Tobacco Retailers Across Kansas Counties, 2021



Source: KHI summary of the 2020 U.S. Census Bureau's Decennial Census and 2021 KDOR Retailer information for tobacco retail outlet location.

Existing Disparities and Their Drivers

KDHE makes data available showing that disparities exist within tobacco use in Kansas (*Figure 3, page 6*). Evidence also has begun to emerge that adult smokers who are trying to quit and who live within a short walking distance of a tobacco retailer are often less successful at sustaining cessation than those whose closest store is farther away.¹⁶ Tobacco companies also are known to target low-income neighborhoods, especially African American and Hispanic residents, with their marketing.¹⁷ Tobacco retailers are notably more prevalent in neighborhoods with a high proportion of African American residents and in urban neighborhoods with a high proportion of Hispanic residents,^{18,19} and also in communities with lower income and lower educational attainment.^{20,21}

In addition, research shows that rates of tobacco use are higher in rural than urban populations, yet rural communities often lack the tobacco control policy coverage present in more urban areas. In a national sample of adults, 30-day use of tobacco, cigarettes and smokeless products was higher for rural non-Hispanic White adults, people with any mental illness, people with substance use disorders, and veterans than for their urban counterparts (2015–2016 data).²² The health of people living in rural areas is impacted by tobacco use more so than those in urban and metropolitan areas, often because of socioeconomic factors, culture, policies and lack of proper health care.²³ Lastly, residents of rural areas are more likely to allow smoking in the presence of children in their homes and cars.²⁴

Figure 3. Disparities in Cigarette Smoking Among Kansas Adults by Characteristic, 2020

Characteristic	Finding
Age	An estimated 10.5 percent of young adults age 18–24 smoke cigarettes.
Disability	One in four (25.0 percent) adults living with a disability in Kansas smoke cigarettes, which is significantly higher than adults living without a disability who smoke (13.6 percent).
Education	Kansas adults who smoke and have less than a high school education (34.4 percent), high school diploma/GED (22.1 percent) and some college (16.5 percent) have a significantly higher smoking prevalence than college graduates who smoke (6.1 percent).
Income	Nearly one-third (29.9 percent) of adults in Kansas earning less than \$25,000 annually smoke cigarettes. One in five (20.6 percent) adults earning \$25,000 to less than \$50,000 annually smoke cigarettes.
Insurance	Kansas adults who smoke and have Medicaid (35.3 percent), TRICARE (19.4 percent) or are uninsured (36.7 percent) have a significantly higher smoking prevalence than adults with private insurance plans who smoke (12.3 percent).
Race and Ethnicity	Non-Hispanic Native American/Alaska Native and non-Hispanic multiracial adults have a higher smoking prevalence than the other racial and ethnic adult categories.

Note: Survey respondents reporting more than one race are assigned to the multiracial category.

Source: KHI summary of the 2020 Kansas Behavioral Risk Factor Surveillance System (BRFSS).²⁵

Examining Select Kansas Counties

The Social Vulnerability Index (SVI), developed by the Centers for Disease Control and Prevention, uses 15 U.S. census variables related to socioeconomic status, household composition and disability (including children age 17 or younger), minority status and language, and housing type and transportation, to help local officials identify communities that may need support before, during or after disasters.²⁶ After reviewing the SVI, tobacco retailer density and demographic makeup across the state, three Kansas counties – Finney, Montgomery and Wyandotte – were selected to examine tobacco retailer density by census tract in relation to race and ethnicity, people in poverty and children under age 18.

Figures, including data tables and maps, for all three counties are in *Appendix B* (page B-1).

Finney County

Finney County has 40 tobacco retailers and 38,470 residents across 1,302 square miles. This translates to 1.0 retailer per 1,000 people and 0.3 retailer per 10 square miles. In addition:

- Three in 10 (30.0 percent) tobacco retailers in Finney County are in census tract 9602 where 17.8 percent of the county population live.

- While the tobacco retailer density per 1,000 people is 1.0 for Finney County overall, it is below 1.0 in 8 out of 12 census tracts, ranges from 1.0 to 2.0 in two census tracts (9602 and 9603) and is above 2.0 in two census tracts (9608.08 and 9605.07).

Montgomery County

Montgomery County has 44 tobacco retailers and 31,486 residents across 643.6 square miles.

This translates to 1.4 retailers per 1,000 people and 0.7 retailer per 10 square miles. In addition:

- Approximately two in 10 (20.5 percent) tobacco retailers are in census tract 9504 where only 6.8 percent of the county population live.
- While the tobacco retailer density per 1,000 people is 1.40 for Montgomery County overall, five out of 12 census tracts have a tobacco retailer density under 1.0; two census tracts range from 1.0 to below 2.0; four census tracts are between 2.0 and 3.0; and one census tract (9504) is greater than 4.0.

Wyandotte County

Wyandotte County has 158 tobacco retailers and 169,245 residents across 151.6 square miles.

This translates to 0.9 retailer per 1,000 people and 10.4 retailers per 10 square miles. In addition:

- Only six out of the 64 census tracts in Wyandotte County have six or more retailers, with the highest found in census tract 429, which has 12 retailers. Most census tracts (70.3 percent; 45 out of 64 census tracts) have two or fewer retailers.
- The highest tobacco retailer density per 1,000 people in Wyandotte County is 5.1 in census tract 439.05, followed by 2.5 to 2.9 in census tracts 443.01, 429, 422 and 448.07. Another 14 census tracts have a density ranging from 1.0 to 2.0.

Why TRL and Zoning?

Licensing and zoning are two prominent strategies to impact the density of tobacco retailers, the types of retailers that can sell tobacco (i.e., vape shops, gas stations, grocery stores, hookah lounges, convenience stores, etc.), and the location of tobacco retailers. The Surgeon General has found that licensing retailers is an evidence-based tobacco control measure to reduce tobacco use.²⁷ In addition, requiring a license for tobacco retailers lets states and localities know who is selling tobacco products in their jurisdiction, allowing states and localities to enact and enforce policies that help to prevent young people from ever starting to use tobacco products.²⁸

The National Academy of Medicine recommends that states license all retail stores that sell tobacco products and limit the number of stores that sell tobacco products. Licensing fees can be set to cover the costs of administering the licensing program and enforcing tobacco retail policies.²⁹ TRL can be used to implement different strategies in the retail environment, and it can address multiple community concerns simultaneously, such as youth access to tobacco, youth exposure to marketing, retailer density, and retailer location.^{30,31} By requiring a TRL, a local or state government can also regulate the location, density, and type(s) of tobacco retailers permitted to operate in their jurisdiction. TRL might also aid implementation of other provisions such as flavored product restrictions, product discounts, tobacco-free pharmacies, mail-order/internet delivery regulation, and point-of-purchase restrictions.³²

Federal Laws

The federal government oversees two comprehensive programs for enforcement: (1) the Synar Program of the Substance Abuse and Mental Health Services Administration (SAMHSA) and (2) the FDA's Tobacco Retail Compliance Inspection Contracts. In July 1992, Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (PL 102-321), which includes the Synar Amendment (section 1926), aimed at decreasing youth access to tobacco by enacting and enforcing laws prohibiting the sale or distribution of tobacco products. States must comply with the Synar Amendment, which includes annual inspections, to receive their full Substance Abuse Prevention and Treatment Block Grant (SABG) awards.³³ Under the Tobacco Control Act (P.L. 111-31), the FDA contracts with states (and localities) to assist with compliance check inspections in tobacco retail outlets.³⁴ State level enforcement is conducted annually under the Synar program and FDA retail compliance inspection contracts. In addition, every state prohibits sales of cigarettes and other tobacco products to minors.

The federal Family Smoking Prevention and Tobacco Control Act of 2009 (Tobacco Control Act) contains various regulations that apply to retail outlets nationwide. The Tobacco Control Act directed the FDA to issue regulations to restrict cigarette and smokeless tobacco retail sales to youth and to restrict tobacco product advertising and marketing to youth. As of December 20, 2019, federal law made it illegal to sell nicotine or tobacco products to any person under age 21, without exception or exemption. As a condition of their Substance Abuse and Mental Health Services Administration (SAMHSA) block-grant funding, states must demonstrate that their retailers are compliant by remaining below a 20 percent retailer violation rate (RVR) on FDA compliance checks. However, FDA enforcement alone is inadequate and supplemental local enforcement is critical to being able to meet that threshold.³⁵ Youth access policies are enforced at the local and state level.

Licensing and Zoning Laws

Licensing laws generally require that businesses obtain a license to operate a certain type of business, whereas zoning regulates how land can be used. Both strategies can be used to restrict tobacco retailers' density, type and location.^{36,37} With licensing and zoning, state and local government agencies have two powerful tools at their disposal to shape the way land is used and how businesses operate. Although licensing and zoning have some characteristics in common, there are important differences between the two. Licensing is typically a way to regulate businesses and professionals working in certain fields. A license usually grants rights to the person who holds it. Zoning is a way to regulate the use of property. Zoning laws grant rights attached to the land.^{38,39}

TRL laws have been proven effective in limiting youth access to tobacco, and strong TRL laws with annual fees create self-financing programs that allow for regular enforcement and facilitate comprehensive local enforcement of all tobacco-related laws.⁴⁰ For example, a licensing ordinance can be structured to prohibit a license from being issued for retailers seeking to be located within 1,000 feet of youth-oriented facilities. Similarly, a zoning ordinance could require that tobacco retailers be located in zones that do not contain facilities frequented by youth such as schools and recreation centers.⁴¹

Tobacco licensing and zoning laws can face several legal challenges, including issues involving authority, political and administrative realities, and existing businesses. Communities should fully understand the legal ramifications of placing conditions on such businesses.⁴² In Kansas, retailers, wholesalers and vending machine operators must be licensed to sell cigarettes or

electronic cigarettes. Licenses are renewed every two years. A vending machine operator is required to obtain a vending machine operator's master license and, in addition, a separate permit for each vending machine operated by the operator. Selling cigarettes without a license is a Class B misdemeanor punishable by a fine of \$500 to \$1,000, imprisonment for up to one year, or both. Distributors must be licensed to sell or deal in tobacco products. Each license expires on December 31 following its date of issue unless sooner revoked.⁴³

Additional legal challenge can result from discrepancies between state and federal law. On December 20, 2019, President Donald Trump signed legislation to amend the Federal Food, Drug, and Cosmetic Act and raise the federal MLA for purchasing tobacco products from 18 to 21 years of age.⁴⁴ However, enforcement of that federal change has been left up to each state.⁴⁵

During the 2020 legislative session, House Bill (HB) 2563, which would increase the minimum age to purchase or possess cigarettes and tobacco products from 18 to 21 and prohibit cigarette vending machines and flavored vaping products in Kansas, was introduced and was recommended for passage by the House Committee on Federal and State Affairs; however, it received no further action. Then again, during the 2021 legislative session, HB 2340, which would have (1) amended the Kansas Cigarette and Tobacco Products Act to increase the minimum age from 18 to 21 years to purchase or possess cigarettes, electronic cigarettes, consumable materials, and tobacco products, (2) prohibited the use of electronic cigarettes under the Kansas Indoor Clean Air Act; (3) amended K.S.A. 72-6285, which currently prohibits the use of tobacco products in school buildings, to include the four products mentioned above, and (4) increased the number of compliance checks of retailers from one to two unannounced controlled buys per year, was passed favorably out of the House Federal and State Affairs Committee on February 26, but received no further action. As of October 2021, there has been no statewide law passed to raise the MLA to 21 in Kansas, resulting in unclear enforcement and jurisdiction issues.⁴⁶

Kansas state law also contains no pre-emption language regarding restrictions of access to tobacco adopted at the local level. Kansas localities have broad constitutional powers granted under Article 12, Section 5, of the Kansas Constitution for self-government. These powers are referred to as "Home Rule" powers and were granted to Kansas cities in 1961, empowering them to pass ordinances regarding their local affairs. Under K.S.A 79-3321 and 79-3322, Kansas specifies penalties associated with minors (under age 18) for purchase, use and/or

possession of tobacco products to a \$25 fine, and the minor may be required to appear in court with a parent and/or legal guardian.⁴⁷

National Variations in Tobacco Retail Licensing and Enforcement Laws

As of March 31, 2021, 29 states (including Kansas), the District of Columbia (DC), and three territories require retailers to have a license to sell either conventional tobacco products or e-cigarettes over the counter; 23 states (including Kansas), DC, and the Northern Mariana Islands allow licenses to be either suspended or revoked for violating the e-cigarette retailer licensing requirements; and 18 states (including Kansas), DC, and four territories allow these penalties if retailers sell conventional tobacco products or e-cigarettes to youth. There also is a wide range in license fees, ranging from \$5 in Montana to \$800 in Connecticut.⁴⁸

Figure 4. Tobacco Retail Licensing and Enforcement Laws in Kansas and Neighboring States, 2019

State	License Required	Renewal Years	Recheck if Employer Fails Compliance	Enforcement and Penalties					
				Penalty for Selling Tobacco Products Without a License	Employer (Business) Penalty	Employee (Seller) Penalty	License Suspension or Revocation	Jail Time	Criminal or Monetary Penalties for Purchase Use and Possession
CO	Yes	n/a	No	Yes	Yes	Yes	n/a	No	Yes
IA	Yes	1	Yes	Yes	Yes	Fine	Revocation	Yes	Yes
KS	Yes	2	Yes	Yes	Yes	Fine	Both	Yes	Yes
MO	No	n/a	No	No	n/a	n/a	n/a	No	Yes
NE	Yes	1	Yes	Yes	Yes	Fine	Revocation	Yes	Yes
OK	Yes	3	n/a	Yes	Yes	Fine	Both	Yes	Yes

Note: Penalties for purchase, use and/or possession (PUP) of tobacco products by underage persons typically include a fine but also may include other penalties, including community service, attending mandatory smoking education or cessation programs, or the suspension of a driver's license or permit. Some states passed PUP laws with the intention of reducing youth smoking by making kids more personally responsible for buying and using tobacco products.

Source: KHI summary of the American Heart Association (AHA) TRL interactive map.⁴⁹

Best Practices

Within the literature on TRL and zoning, national associations and advocacy organizations have identified some strategies as best practices for implementing TRL and zoning laws, some of which have already informed efforts in the cities of Newton, Shawnee and Wichita (see case studies on page 15). These examples could be used by policymakers across the state as they consider implementing new laws or modifying existing ones. Effective licensing and zoning

ordinances generally contain several common components, including clear definitions and concise language, a well-crafted implementation process, appropriate fees, robust enforcement options, and an outlined fines, penalties and appeals process.⁵⁰ Any new or updated TRL policy should clearly articulate the goals and several key elements, including:

- The process for obtaining a license,
- The duration of the license term,
- Information on the renewal process,
- The license fee,
- The performance standards for retailers,
- The penalties for noncompliance, and
- Accountability measures to ensure government enforces the policy.

The agencies and entities responsible for issuing licenses should be heavily involved in the drafting and development process.⁵¹ Local governments might want to consider policies related to enforcement and point-of-sale restrictions, which also could limit access to and exposure to tobacco products. Additionally, they could consider:

- Requiring minimal distance between existing tobacco retail outlets,
- Capping the number of tobacco retail outlets in a given geographic area,
- Establishing a maximum number of tobacco retail outlets proportional to population size, and
- Prohibiting sales at certain types of establishments, such as pharmacies, or within a certain distance of locations serving youth.⁵²

ChangeLab Solutions — a nonpartisan, nonprofit organization that uses the tools of law and policy to advance health equity by changing harmful laws, policies and systems — developed a *Tobacco Retailer Licensing Playbook* which includes the following ten strategies for implementing a TRL policy:⁵³

1. Conduct an environmental assessment.

2. Define the problem.
3. Assess the legal landscape.
4. Convene a community coalition.
5. Education decision makers and the public.
6. Create and adopt a strong TRL policy.
7. Calculate costs to implement and enforce TRL policy.
8. Work with relevant agencies to implement and enforce TRL policy.
9. Collect data and evaluate the TRL policy.
10. Additional uses for TRL.

The Preventing Tobacco Addiction Foundation recommends that implementation of a comprehensive TRL ordinance should include language which addresses the following elements:

- Comprehensively defining “tobacco products” to include cigarettes, cigars, and smokeless tobacco, pipes, rolling papers, electronic smoking devices, related liquids and other related devices, written to capture all known and future products;
- Establishing a comprehensive list of all retailers of nicotine and tobacco products in the jurisdiction;
- Funding the enforcement of tobacco sales regulations;
- Prevention of illegal sales of nicotine and tobacco products;
- Providing weight to current sales laws by imposing a ‘threat of suspension’ for repeated violations;
- Reducing productivity loss, health insurance costs (including Medicaid), related illness and death;
- Advancing public health through prevention and substantially increasing health equity;⁵⁴
- Establishing penalties for selling or distributing tobacco products without a license;

- Requiring licensure fees and for licenses to be renewed annually;
- Designating an agency or entity responsible for enforcement;
- Ensuring penalties and fines are imposed on the tobacco retailer or licensee and not the youth purchaser or non-management employee;
- Prohibiting licenses from being issued to any tobacco retail establishment within 1,000 feet of any youth-oriented facility;
- Raising the MLA to 21;
- Restricting deliveries of internet/mail-order sales to licensed tobacco retailers;
- Mandating verification of age with a government-issued photo ID for any purchaser appearing to be under 30 years old;
- Dictating at least 1-2 unannounced compliance checks each year; and
- Requiring retailers to train their employees as a condition of receiving a license.⁵⁵

Lastly, the American Heart Association (AHA) recommends that TRL policies do the following:

- Policies should include an annual retail license fee, which is paid by all tobacco retailers and goes towards the enforcement of licensure requirements.
- Licensure requirements should include the process by which the tobacco retailer applies, receives and maintains permission to sell all tobacco products, including electronic nicotine delivery systems.
- Enforcement should include a minimum of at least one compliance check for violations of minimum legal sales age per tobacco retail license per year.
- Tobacco retail establishments must be required to comply with all federal, state and local laws and subject to relevant fines or penalties for violations.
- Penalties for sale should be levied on the owner/operator of the retail establishment.⁵⁶

Case Studies

At least three Kansas cities have adopted ordinances around tobacco retail licensing and/or zoning — Newton, Shawnee and Wichita. Other communities, including the City of Lawrence, are considering it.

City of Newton

While Newton has had other regulations around tobacco control since 2008 — updating their Indoor Clean Air Act by passing Ordinance No. 4646-07 — a tobacco retail license annual fee of \$400 went into effect January 1, 2020, under a comprehensive tobacco control ordinance, No. 4995-19.

On July 9, 2019, the Newton City Commission received a report from local high school students on the STAND program in Newton schools. STAND is a youth leadership initiative of Mirror Inc. and is part of the Harvey County Drug Free Youth community coalition. Students presented on the widespread use of e-cigarettes, especially Juul, among their peers and encouraged the Commission to raise the minimum age to purchase tobacco to 21. Staff were then directed to bring back an ordinance for them to consider at the July 23, 2019, meeting.⁵⁷

At the meeting on July 23, 2019, the Commission received an overview of the proposed ordinance which included components suggested by the American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids and Preventing Tobacco Addiction Foundation/Tobacco 21.org. The draft ordinance included a delayed effective date of July 1, 2020, to allow city staff to address the various components of the ordinance that required changes in administration or enforcement.⁵⁸ They then asked city staff to consider additional issues and components regarding the ordinance and to return with an evidence-based ordinance for further discussion and possible action.⁵⁹ The Commission then tabled any further discussion to give the matter more thought and to work with local health care partners to include more evidence-based language.^{60,61}

On August 27, 2019, the Commission continued discussion of the ordinance as it related to the furnishing and possession of tobacco and tobacco products. Staff had been in conversations with organizations regarding an evidence-based ordinance about the furnishing and possession of tobacco and tobacco products. The Commission passed a motion to have staff draft a model T-21 Ordinance for consideration.⁶²

On September 24, 2019, the Newton City Commission approved the revised ordinance, raising the minimum age to 21 to purchase tobacco products, effective January 1, 2020. All tobacco products are covered in the ordinance, including cigarettes, e-cigarettes (such as Juul), cigars, chewing tobacco, etc. Starting in 2020, tobacco retailers are required to obtain an annual license for each sales location, with an annual fee of \$400, which is designed to offset the city's costs of administering the ordinance and conducting compliance checks.⁶³ Ordinance No. 4995-19 included sections to specifically address definitions, the minimum legal age, age verification, self-service displays, signage, environment, licensing, tobacco retailer responsibilities, tobacco retail license term, tobacco retail license renewal, appeal, continuing education, penalties, and exceptions and defenses.⁶⁴ It increased the MLA to 21 years old, set the fee for a tobacco retail license at \$400 per year, and enacted the following provisions:

- Requires verification of age before selling any tobacco product to an individual who looks younger than age 30;
- Prohibits the sale of tobacco products from a self-service display except in places where persons under the age of 21 are not permitted at any time;
- Prohibits the sale of tobacco products unless there is clear signage declaring that “no person under the age of 21 may be sold tobacco products, including electronic smoking devices”;
- Requires two unannounced compliance checks be conducted per year with additional follow-up compliance checks of all retailers with violations, and that the results of all compliance checks be published at least annually;
- Establishes that no tobacco retail sales license be issued or renewed to a tobacco retail sales licensee unless the retailer signs a form stating that they have read the ordinance and provided training to their employees;
- Provides the right to appeal any suspension or revocation of a license; and
- States that the City of Newton shall engage in a continuing public health education program to explain and clarify the purposes and requirements of the provision to any individual affected by it.

The ordinance also established the following penalties for violations:

- Tobacco retailers found to have violated the ordinance are subject to:
 - For a first violation, a fine of no less than \$500;
 - For a second violation within a 36-month period, a fine of no less than \$750 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of seven days;
 - For a third violation within a 36-month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of 30 days; and
 - For a fourth and any subsequent violations within a 36-month period, a fine of no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a period of three years.
- Any person found to have violated the ordinance while acting as a non-management agent or employee of a tobacco retailer shall be subject to non-criminal, non-monetary penalties including, but not limited to, education classes and community services.
- Any person age 21 or older, besides a tobacco retailer or a tobacco retailer's agent or employee, who violates the ordinance is deemed guilty of an infraction, carrying a scheduled fine of \$50.

On June 1, 2020, the City Commission also passed Newton Ordinance No. 5014-20 (North Newton Ordinance No. 635-20), which is a joint ordinance of the cities of Newton and North Newton. The Ordinance amended Article XIII of the two cities zoning ordinances, establishing the Joint Board of Zoning Appeals and Variance.⁶⁵

City of Wichita

Since 2008, the City of Wichita has imposed a retailer fee. On June 3, 2008, the Wichita City Council approved a ban on smoking inside many of the city's businesses with a 4-3 vote. The ban prohibits smoking in all businesses where young people under age 18 were allowed, and allowed other businesses, such as bars, to designate themselves as "smoker friendly" by applying for a \$250 permit each year from the city. The ordinance was effective in September 2008.⁶⁶ However, it was repealed on October 19, 2010, with the adoption of Ord. No 48-851,

which ensured the City's smoking regulations were not less restrictive than those under the Kansas Indoor Clean Air Act (2020 HB 2221).⁶⁷

Fast forward to 2016, when Tobacco Free Wichita hosted seven neighborhood conversations for residents of Wichita regarding tobacco use. In those conversations, participants agreed that the City of Wichita's current ordinance should be updated to include inspections at locations that sell electronic cigarettes, vaping devices, hookah and similar products; recommended restricting tobacco sales to at least 1,000 feet from schools and parks; and supported a policy to reduce the number of ads at stores and restrict the location of ads.⁶⁸

In 2018, the City of Wichita passed Ordinance No. 50-870, Pertaining to the Sale of Cigarettes and Tobacco Products, which established a \$260 annual licensure fee for tobacco retail licenses, as well as a \$15 annual fee for each vending machine.⁶⁹ In June 2019, they passed Ordinance No. 51-295, Pertaining to Tobacco — Sale of Cigarettes and Tobacco Products and Repealing Prior Sections. That second ordinance updated the 2018 ordinance and raised the MLA for purchasing tobacco products to age 21.⁷⁰ Section 7.60.020 (the section of code updated by the aforementioned ordinances) authorized the Director of Public Works and Utilities to suspend or revoke permits as follows:

- For a period of up to seven days upon any conviction of the permit holder or any employee or designee of the permit holder for any violation of the chapter;
- For a period of up to 14 days upon the second conviction of the permit holder or any employee or designee of the permit holder for any violation of the chapter within six months; or
- For a period of up to six months upon the third conviction of the permit holder or any employee or designee of the permit holder for any violation of the chapter within one year.
- Additionally, anyone convicted of violating the provisions of Section 7.60.040 — Prohibited conduct — (b) shall be guilty of a tobacco infraction and upon conviction shall be fined as follows:
 - \$55 for a first offense,
 - \$100 for a second offense, and

- \$150 for a third or subsequent offense.⁷¹

City of Shawnee

While the City of Shawnee considered raising the MLA for purchasing tobacco from age 18 to 21 in December 2019,⁷² the Shawnee City Council had adopted ordinances related to the number and location of vape shops since 2018.

In March 2018, the City of Shawnee approved a moratorium on the number of businesses selling vaping or e-cigarette products. On March 26, concerned by the growing number of vape stores, the Shawnee City Council considered passing Ordinance No. 3219, restricting the sale of drug paraphernalia in vape shops, and Ordinance No. 3220, limiting the location of vape shops to be the solo business in a free-standing building in areas zoned for tobacco sales.⁷³

The Council committee recommended 7-0 to approve restricting the sale of drug paraphernalia in vape shops and 6-1 to limit the location of vape shops to be the sole business in a free standing building.⁷⁴ They then approved a moratorium on new permits for the operation of vape or inhaling shops until July 1, 2019.⁷⁵

In December 2019, the Council committee voted 7-0 directing staff to present an ordinance to the full governing body that regulates the location of electronic cigarette establishments.⁷⁶

Ordinance No. 3312, which passed in December 2019, included sections on definitions, license term and fees, and distance requirements and established the following provisions:⁷⁷

- It shall be unlawful for any person or entity to operate an electronic cigarette retail establishment within the corporate limits of the city without having first procured a license.
- All applications and fees for new or change of ownership licenses must be submitted to the city clerk at least 30 days in advance of the date sought for such issuance, and all applications and fees for renewal of licenses must be submitted to the city clerk at least 30 days prior to the last scheduled meeting of the governing body for that calendar year.
- No license shall be issued for any electronic cigarette retail establishment that is located within 5,280 feet of any other electronic cigarette retail establishment within Shawnee city limits or outside city limits, or within two hundred (200) feet of any property used or zoned for school, college, church, commercial daycare use, or any property used or zoned for residential use.

- If any vape shop abandons or discontinues operation, any future electronic cigarette retail establishment operated at the same location is required to comply with all distance requirements listed above.
- Each electronic cigarette retail establishment must keep records of purchases and sales for a period of one year.^{78,79}

Conclusion

With licensing and zoning, state and local government agencies have two powerful tools at their disposal to shape the way land is used and how businesses operate. TRL can be used to implement different strategies in the retail environment. It can simultaneously address multiple community concerns, such as youth access to tobacco, youth exposure to marketing, retailer density and retailer location. There are 2,748 tobacco retailers in Kansas. Generally, the rural parts of the state — Western and Southeast Kansas — have more tobacco retailers per 1,000 population than the more urban parts of the state — South Central and Northeast Kansas. Research shows that rates of tobacco use are higher in rural than urban populations, and residents of rural areas are more likely to allow smoking in the presence of children in their homes and cars. Yet rural communities often lack the tobacco control policy coverage present in more urban areas.

Kansas localities have broad constitutional powers granted under Article 12, Section 5, of the Kansas Constitution for self-government. State law also contains no pre-emption language regarding restrictions of access to tobacco adopted at the local level. At least three Kansas cities —Newton, Shawnee and Wichita — have adopted ordinances around tobacco retail licensing and zoning. Along with using best practices for implementing TRL and zoning laws — such as appropriate fees and robust enforcement options — agencies and entities responsible for issuing licenses should be heavily involved in drafting and developing policies and enforcement practices. Local governments also might want to consider point-of-sale restrictions policies, which would limit youth access to and exposure to tobacco products. Policymakers across the state could look to those examples as they consider implementing new tobacco retail licensing and zoning laws or modifying existing ones.

Appendix A: Tobacco Retailer Densities Across Kansas Counties, 2021

	No. of Retailers	Total Population	Retailers per 1,000 Population	Land Area (sq mi)	Retailers per 10 sq mi
<i>Kansas</i>	<i>2,748</i>	<i>2,937,880</i>	<i>0.9</i>	<i>81,759.0</i>	<i>0.3</i>
NC	325	269,208	1.2	12,568.0	0.3
NE	976	1,372,323	0.7	9,776.8	1.0
NW	218	125,650	1.7	19,772.3	0.1
SC	683	759,584	0.9	8,966.9	0.8
SE	312	234,377	1.3	10,316.4	0.3
SW	234	176,738	1.3	20,358.5	0.1
Allen	18	12,526	1.4	500.30	0.36
Anderson	7	7,836	0.9	579.64	0.12
Atchison	15	16,348	0.9	431.18	0.35
Barber	8	4,228	1.9	1134.08	0.07
Barton	38	25,493	1.5	895.26	0.42
Bourbon	19	14,360	1.3	635.46	0.30
Brown	13	9,508	1.4	570.87	0.23
Butler	53	67,380	0.8	1429.71	0.37
Chase	4	2,572	1.6	773.06	0.05
Chautauqua	8	3,379	2.4	638.88	0.13
Cherokee	23	19,362	1.2	587.57	0.39
Cheyenne	6	2,616	2.3	1019.89	0.06
Clark	4	1,991	2.0	974.64	0.04
Clay	9	8,117	1.1	645.30	0.14
Cloud	13	9,032	1.4	715.35	0.18
Coffey	14	8,360	1.7	626.89	0.22
Comanche	6	1,689	3.6	788.30	0.08
Cowley	31	34,549	0.9	1125.74	0.28
Crawford	45	38,972	1.2	589.77	0.76
Decatur	7	2,764	2.5	893.52	0.08
Dickinson	29	18,402	1.6	847.07	0.34
Doniphan	12	7,510	1.6	393.48	0.30
Douglas	83	118,785	0.7	455.77	1.82
Edwards	6	2,907	2.1	621.90	0.10
Elk	6	2,483	2.4	644.27	0.09
Ellis	33	28,934	1.1	899.92	0.37
Ellsworth	15	6,376	2.4	715.58	0.21
Finney	41	38,470	1.1	1302.00	0.31
Ford	35	34,287	1.0	1098.28	0.32

	No. of Retailers	Total Population	Retailers per 1,000 Population	Land Area (sq mi)	Retailers per 10 sq mi
Franklin	28	25,996	1.1	571.77	0.49
Geary	38	36,739	1.0	384.67	0.99
Gove	8	2,718	2.9	1071.67	0.07
Graham	7	2,415	2.9	898.53	0.08
Grant	11	7,352	1.5	574.81	0.19
Gray	6	5,653	1.1	868.87	0.07
Greeley	2	1,284	1.6	778.41	0.03
Greenwood	16	6,016	2.7	1143.31	0.14
Hamilton	5	2,518	2.0	996.52	0.05
Harper	13	5,485	2.4	801.28	0.16
Harvey	30	34,024	0.9	539.76	0.56
Haskell	7	3,780	1.9	577.52	0.12
Hodgeman	4	1,723	2.3	860.00	0.05
Jackson	10	13,232	0.8	656.22	0.15
Jefferson	26	18,368	1.4	532.63	0.49
Jewell	9	2,932	3.1	909.98	0.10
Johnson	319	609,863	0.5	473.63	6.74
Kearny	7	3,983	1.8	870.55	0.08
Kingman	7	7,470	0.9	863.42	0.08
Kiowa	5	2,460	2.0	722.64	0.07
Labette	27	20,184	1.3	645.40	0.42
Lane	5	1,574	3.2	717.41	0.07
Leavenworth	52	81,881	0.6	463.41	1.12
Lincoln	6	2,939	2.0	719.40	0.08
Linn	16	9,591	1.7	594.08	0.27
Logan	5	2,762	1.8	1073.00	0.05
Lyon	33	32,179	1.0	847.48	0.39
McPherson	36	30,223	1.2	898.29	0.40
Marion	12	11,823	1.0	944.30	0.13
Marshall	16	10,038	1.6	900.18	0.18
Meade	7	4,055	1.7	978.09	0.07
Miami	30	34,191	0.9	575.88	0.52
Mitchell	13	5,796	2.2	701.80	0.19
Montgomery	44	31,486	1.4	643.60	0.68
Morris	7	5,386	1.3	695.35	0.10
Morton	5	2,701	1.9	729.73	0.07
Nemaha	10	10,273	1.0	717.43	0.14
Neosho	19	15,904	1.2	571.48	0.33
Ness	6	2,687	2.2	1074.74	0.06
Norton	7	5,459	1.3	878.05	0.08
Osage	18	15,766	1.1	705.51	0.26

	No. of Retailers	Total Population	Retailers per 1,000 Population	Land Area (sq mi)	Retailers per 10 sq mi
Osborne	7	3,500	2.0	892.52	0.08
Ottawa	5	5,735	0.9	720.73	0.07
Pawnee	7	6,253	1.1	754.27	0.09
Phillips	9	4,981	1.8	885.88	0.10
Pottawatomie	19	25,348	0.7	840.74	0.23
Pratt	11	9,157	1.2	735.04	0.15
Rawlins	5	2,561	2.0	1069.42	0.05
Reno	51	61,898	0.8	1255.31	0.41
Republic	10	4,674	2.1	717.38	0.14
Rice	10	9,427	1.1	726.24	0.14
Riley	40	71,959	0.6	609.70	0.66
Rooks	9	4,919	1.8	890.53	0.10
Rush	7	2,956	2.4	717.77	0.10
Russell	17	6,691	2.5	886.26	0.19
Saline	56	54,303	1.0	720.25	0.78
Scott	8	5,151	1.6	717.59	0.11
Sedgwick	466	523,824	0.9	996.94	4.67
Seward	22	21,964	1.0	639.66	0.34
Shawnee	163	178,909	0.9	544.03	3.00
Sheridan	8	2,447	3.3	895.96	0.09
Sherman	10	5,927	1.7	1056.07	0.09
Smith	6	3,570	1.7	895.47	0.07
Stafford	7	4,072	1.7	792.05	0.09
Stanton	4	2,084	1.9	680.36	0.06
Stevens	7	5,250	1.3	727.26	0.10
Sumner	28	22,382	1.3	1181.67	0.24
Thomas	13	7,930	1.6	1074.69	0.12
Trego	6	2,808	2.1	889.48	0.07
Wabaunsee	8	6,877	1.2	794.34	0.10
Wallace	4	1,512	2.6	913.66	0.04
Washington	13	5,530	2.4	894.76	0.15
Wichita	4	2,152	1.9	718.57	0.06
Wilson	11	8,624	1.3	570.42	0.19
Woodson	6	3,115	1.9	497.82	0.12
Wyandotte	158	169,245	0.9	151.64	10.42

Source: KHI summary of the 2020 U.S. Census Bureau's Population Estimates and 2021 KDOR Retailer information for tobacco retail outlet location.

Appendix B: Distribution of Tobacco Retailers and Select Population Characteristics in Finney, Montgomery and Wyandotte Counties

Finney County

Figure B1. Distribution of Tobacco Retailers and Select Population Characteristics, Finney County, Kansas

Census Tract	# of Retailers	Total Population	Retailers per 1,000 People	SVI Ranking	Poverty Rate	Age Under 18	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic Other or Multiple Races	Hispanic, Any Race
9601	3	4,496	0.7	0.64	9.9%	33.0%	64.0%	0.7%	5.2%	30.1%
9602	12	6,839	1.8	0.86	11.4%	30.1%	27.4%	5.1%	7.4%	60.1%
9603	4	2,952	1.4	0.86	11.6%	23.2%	51.4%	2.2%	6.2%	40.2%
9604.01	1	1,985	0.5	0.37	2.6%	25.0%	60.2%	0.7%	8.0%	31.2%
9604.03	2	2,619	0.8	0.78	7.9%	24.5%	47.6%	2.0%	8.7%	41.6%
9604.04	3	4,197	0.7	0.81	11.3%	28.6%	45.7%	11.4%	7.8%	35.0%
9605.01	1	2,501	0.4	0.90	23.4%	31.3%	26.2%	0.4%	3.9%	69.5%
9605.03	0	1,148	0.0	0.36	3.5%	29.7%	62.5%	1.1%	3.6%	32.8%
9605.05	4	1,594	2.5	0.82	16.6%	28.9%	24.3%	3.8%	8.7%	63.2%
9605.07	4	1,784	2.2	0.87	10.7%	23.2%	27.7%	8.6%	9.3%	54.3%
9605.08	3	3,202	0.9	0.86	16.9%	38.1%	12.9%	0.4%	13.3%	73.4%
9606	3	5,153	0.6	0.92	16.2%	29.3%	23.7%	2.4%	4.0%	70.0%
Finney County	40	38,470	1.0	0.96	12.3%	29.4%	37.7%	3.5%	7.0%	51.7%
Kansas	2,748	2,937,880	0.9	NA	12.0%	24.1%	72.2%	5.6%	9.2%	13.0%

Note: Census tracts are based on the 2020 boundary lines. The Social Vulnerability Index (SVI) Ranking for census tracts is based on all census tracts across Kansas and for counties is based on the 105 counties in Kansas.

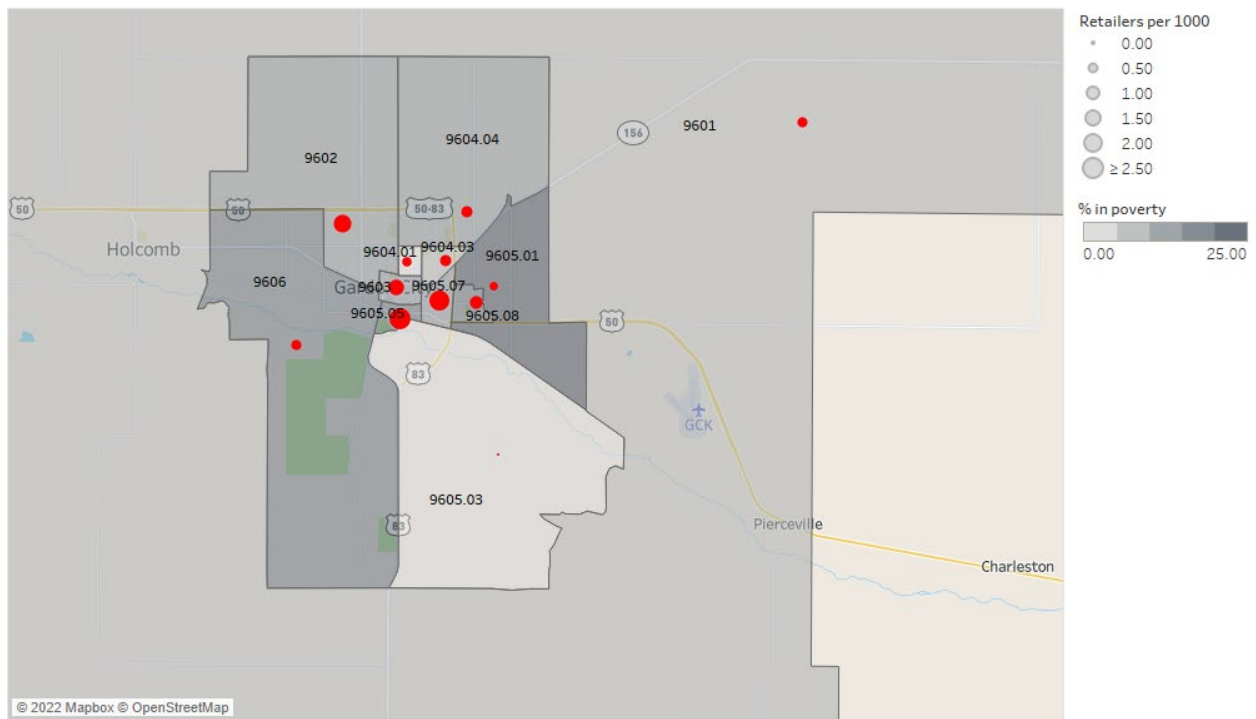
Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location, 2020 U.S. Census Bureau's Decennial Census for total population, age under 18 and race/ethnicity, 2015-2019 American Community Survey 5-year estimates for poverty and 2018 Social Vulnerability Index (SVI) ranking from the Centers for Disease Control and Prevention.

Key Points

- Finney County has 40 tobacco retailers and 38,470 residents. This translates to 1.0 retailer per 1,000 people.
- Three in 10 (30.0 percent) tobacco retailers in Finney County are in census tract 9602 where 17.8 percent of the county population live.
- While the tobacco retailer density per 1,000 people is 1.0 for Finney County, it is below 1.0 in 8 out of 12 census tracts, ranges from 1.0 to 2.0 in two census tracts (9602 and 9603) and is above 2.0 in two census tracts (9608.08 and 9605.07).

- Almost all census tracts in Finney County, except 9604.01 and 9605.03, have a high social vulnerability as they are ranked at the top one-third in the Social Vulnerability Index (SVI) across all census tracts in Kansas.
- The poverty rate in Finney County ranges widely from 2.6 percent in census tract 9604.01 to 23.4 percent in census tract 9605.01, which is almost double the countywide poverty rate (12.3 percent).
- The percentage of children under age 18 years ranges from 23.2 to 38.1 percent among census tracts in Finney County while it is 29.4 percent countywide.
- Half (51.7 percent) of Finney County residents are Hispanic, Any Race; however, it ranges from 30.1 percent in census tract 9601 to 73.4 percent in census tract 9605.08.

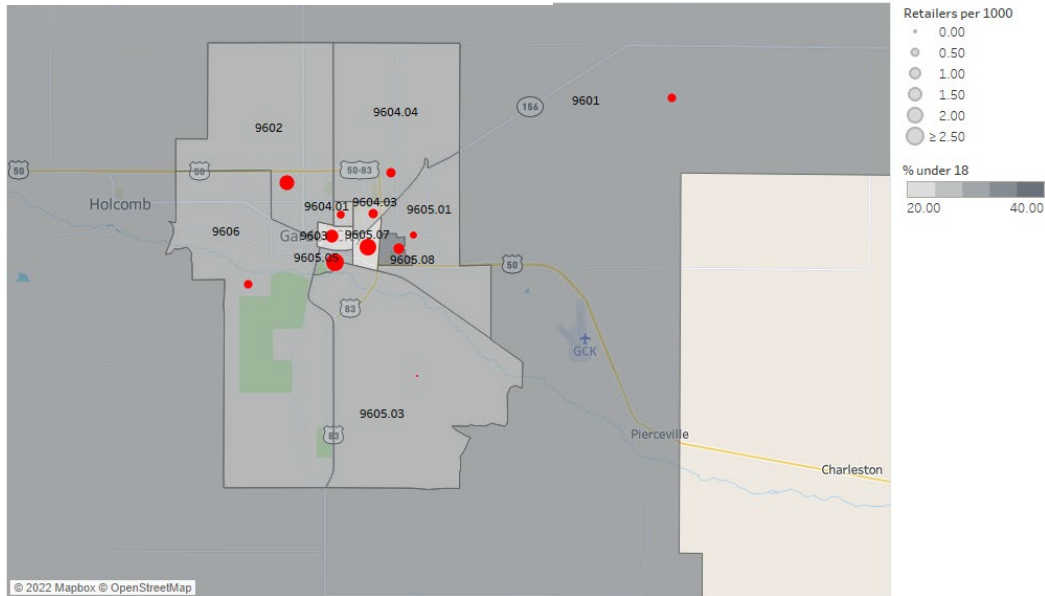
Figure B2. Tobacco Retailer Density and Poverty, Finney County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the U.S. Census Bureau's 2015-2019 American Community Survey 5-year estimates.

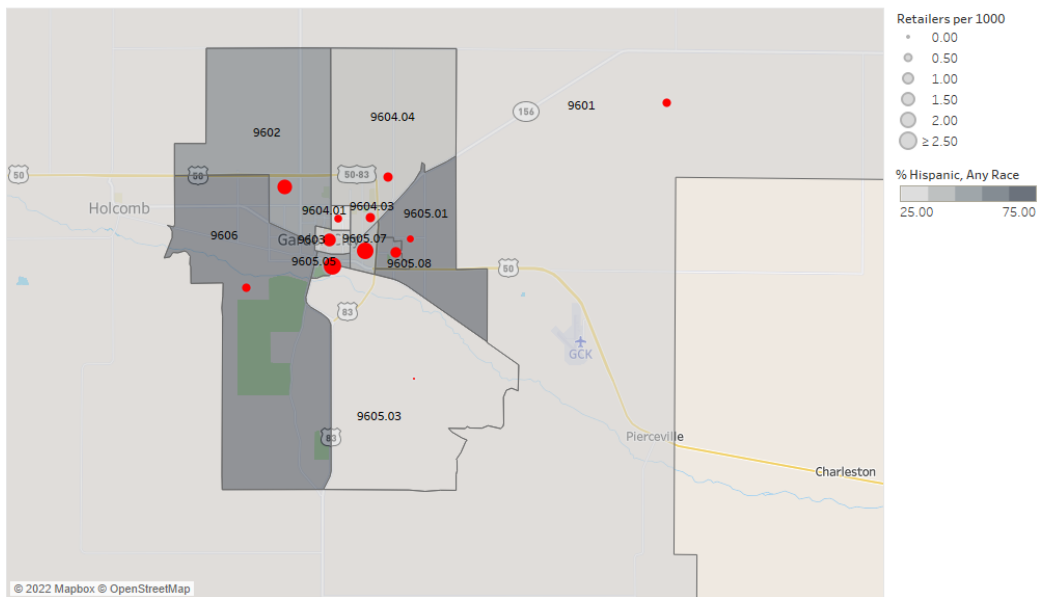
Figure B3. Tobacco Retailer Density and Children Under Age 18, Finney County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

Figure B4. Tobacco Retailer Density and People Who Identify as Hispanic, Any Race, Finney County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

Montgomery County

Figure B5. Distribution of Tobacco Retailers and Select Population Characteristics, Montgomery County, Kansas

Census Tract	# of Retailers	Total Population	Retailers per 1,000 People	SVI Ranking	Poverty Rate	Age Under 18	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic Other or Multiple Races	Hispanic, Any Race
9501	1	1,944	0.5	0.30	11.3%	20.6%	87.3%	0.4%	10.2%	2.1%
9502	6	2,507	2.4	0.84	23.3%	26.3%	85.8%	0.7%	8.5%	5.0%
9503	3	4,083	0.7	0.51	11.2%	25.3%	79.6%	3.3%	10.2%	6.9%
9504	9	2,150	4.2	0.89	26.8%	24.8%	74.5%	6.4%	10.7%	8.3%
9505	3	1,466	2.0	0.72	14.9%	26.7%	68.3%	7.7%	12.1%	11.9%
9506	2	2,810	0.7	0.79	18.0%	22.4%	79.8%	4.4%	9.2%	6.7%
9507	1	3,699	0.3	0.26	5.9%	20.8%	81.6%	0.3%	15.1%	3.0%
9508	3	4,441	0.7	0.61	9.1%	22.0%	76.3%	4.6%	13.4%	5.7%
9510	2	1,898	1.1	1.00	39.6%	20.1%	53.1%	17.1%	13.3%	16.6%
9511	3	2,323	1.3	0.61	25.9%	24.2%	64.7%	8.6%	16.1%	10.6%
9513	5	2,099	2.4	0.79	13.6%	25.3%	78.1%	0.2%	17.2%	4.5%
9514	6	2,066	2.9	0.93	40.6%	26.9%	51.9%	12.4%	16.0%	19.7%
Montgomery County	44	31,486	1.4	0.97	18.0%	23.6%	74.9%	4.9%	12.6%	7.7%
Kansas	2,748	2,937,880	0.9	NA	12.0%	24.1%	72.2%	5.6%	9.2%	13.0%

Note: Census tracts are based on the 2020 boundary lines. The Social Vulnerability Index (SVI) Ranking for census tracts is based on all census tracts across Kansas and for counties is based on the 105 counties in Kansas.

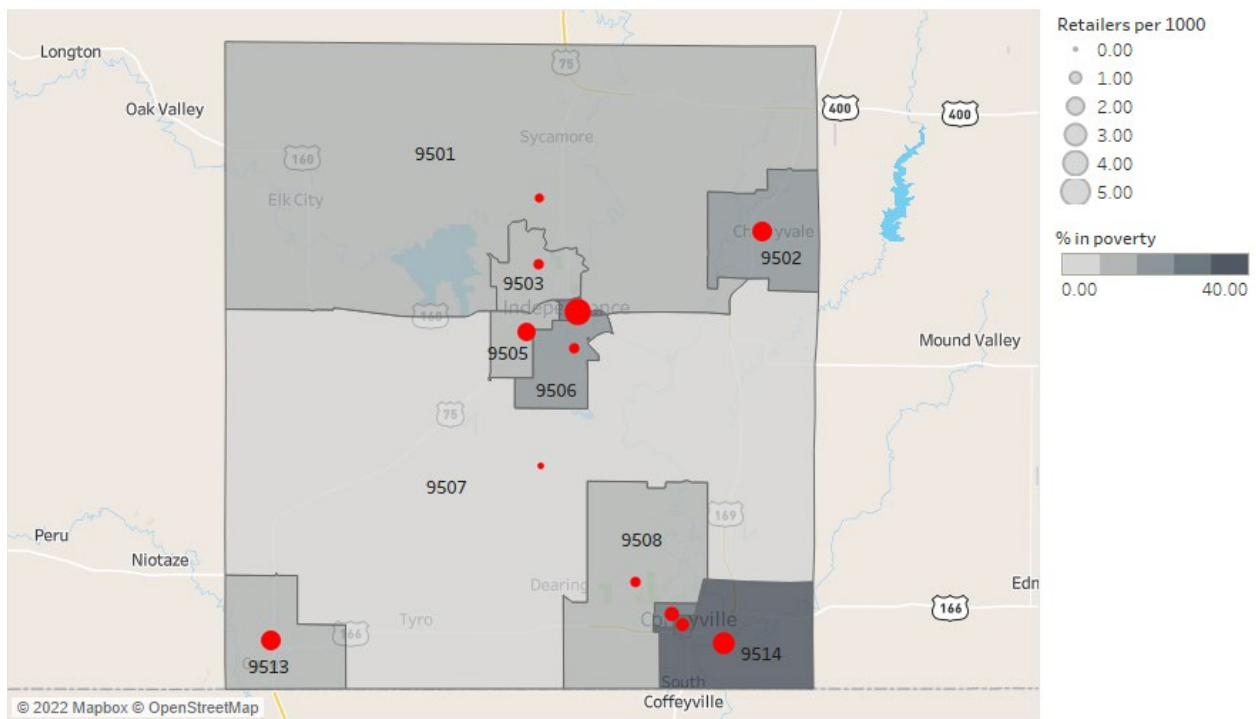
Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location, 2020 U.S. Census Bureau's Decennial Census for total population, age under 18 and race/ethnicity, 2015-2019 American Community Survey 5-year estimates for poverty and 2018 Social Vulnerability Index (SVI) ranking from the Centers for Disease Control and Prevention.

Key Points:

- Montgomery County has 44 tobacco retailers and 31,486 residents, which translates to 1.4 retailers per 1,000 people.
- Approximately two in 10 (20.5 percent) tobacco retailers are in census tract 9504 where 6.8 percent of the county population live.
- While the tobacco retailer density per 1,000 people is 1.40 in Montgomery County overall, five out of 12 census tracts have a tobacco retailer density under 1.0; two census tracts range from 1.0 to below 2.0; four census tracts are between 2.0 and 3.0; and one census tract (9504) is greater than 4.0.
- Seven out of 12 census tracts are ranked at the top one-third in social vulnerability across census tracts in Kansas. In contrast, two census tracts (9501 and 9507) are ranked at the bottom one-third in social vulnerability.

- Four in 10 (39.6 and 40.6 percent respectively) people in census tracts 9510 and 9514 live in poverty compared to less than one in 10 (5.9 and 9.1 percent respectively) people in census tracts 9507 and 9508.
- Across census tracts in Montgomery County, the percentage of the population who are children under age 18 is similar and ranges from 20.1 to 26.9 percent.
- The majority of residents (51.9 to 85.8 percent) in all census tracts in Montgomery County are non-Hispanic White; one in four (74.9 percent) residents of the county are non-Hispanic White.

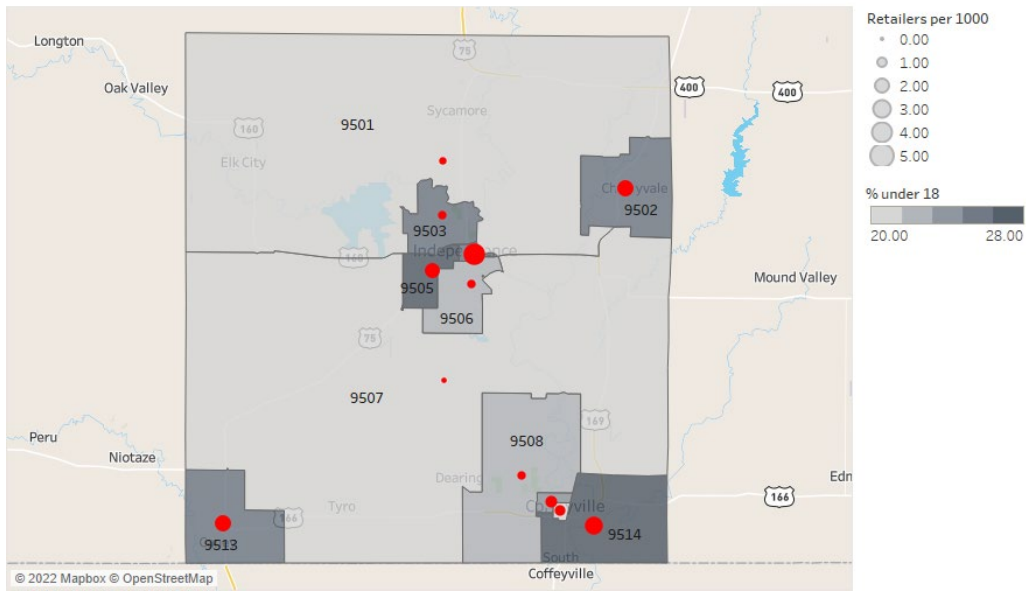
Figure B6. Tobacco Retailer Density and Poverty, Montgomery County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the U.S. Census Bureau's 2015-2019 American Community Survey 5-year estimates.

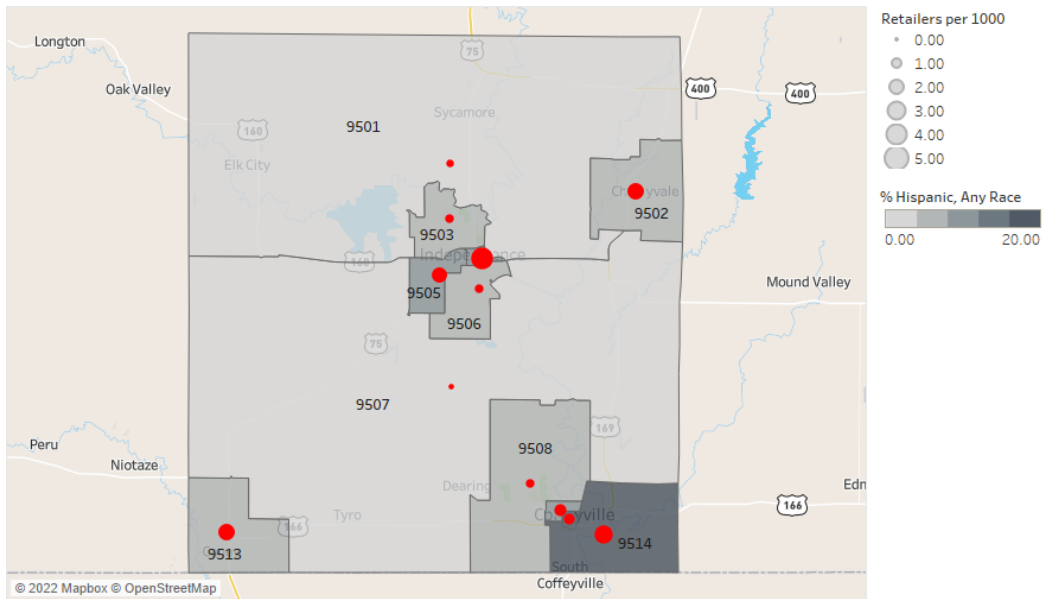
Figure B7. Tobacco Retailer Density and Children Under Age 18, Montgomery County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

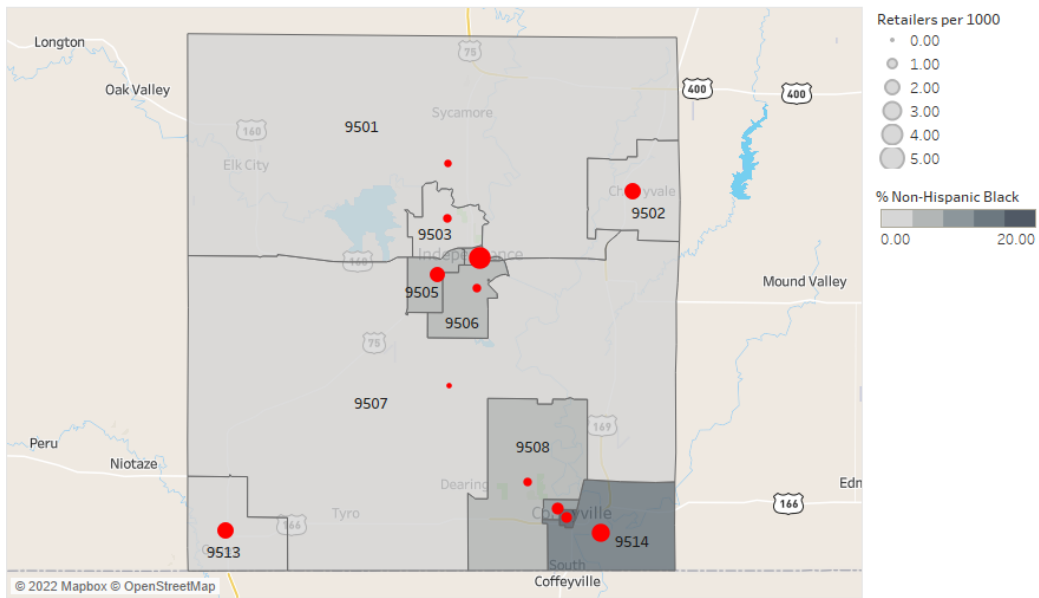
Figure B8. Tobacco Retailer Density and People Who Identify as Hispanic, Any Race, Montgomery County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

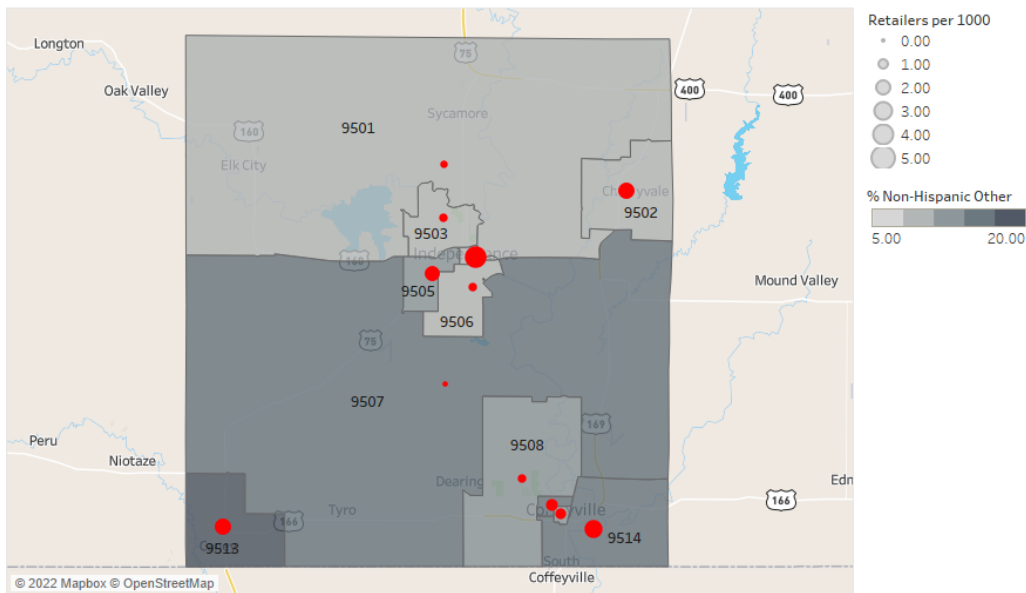
Figure B9. Tobacco Retailer Density and People Who Identify as Non-Hispanic Black, Montgomery County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

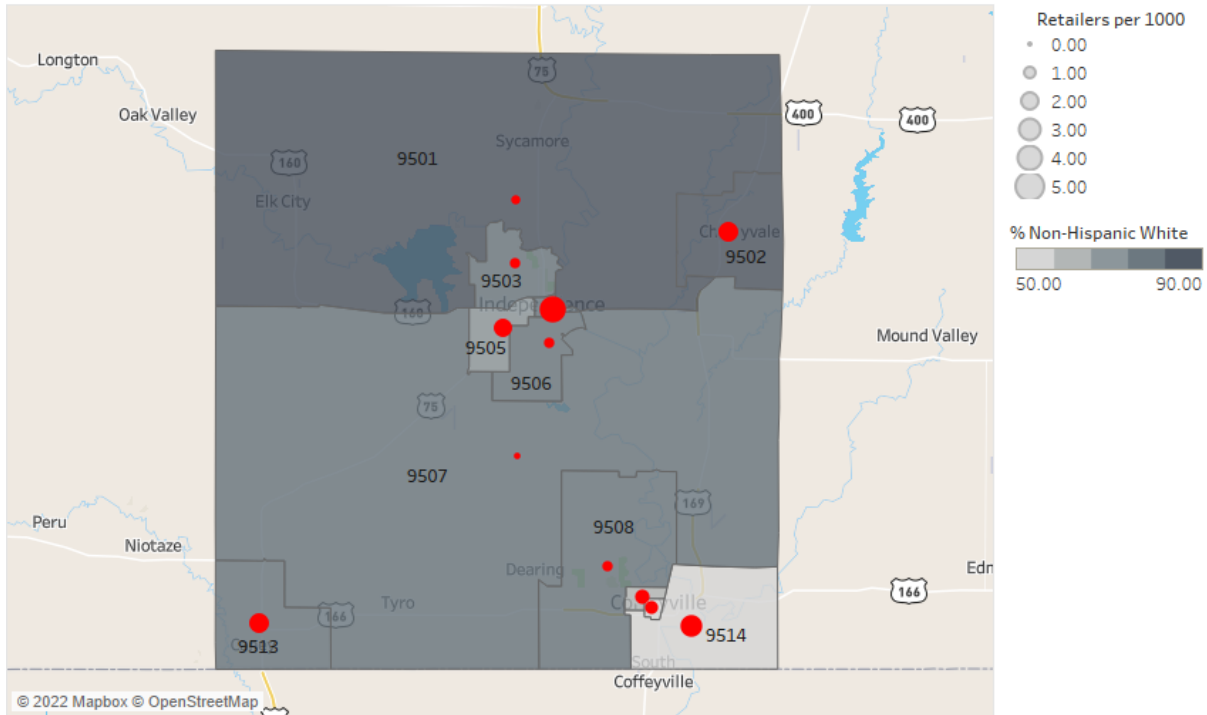
Figure B10. Tobacco Retailer Density and People Who Identify as Non-Hispanic, Other or Multiple Races, Montgomery County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

Figure B11. Tobacco Retailer Density and People Who Identify as Non-Hispanic White, Montgomery County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

Wyandotte County

Figure B12. Distribution of Tobacco Retailers and Select Population Characteristics, Wyandotte County, Kansas

Census Tract	# of Retailers	Total Population	Retailers per 1,000 People	SVI Ranking	Poverty Rate	Age Under 18	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic Other or Multiple Races	Hispanic, Any Race
401	2	2,909	0.7	0.83	27.0%	30.1%	4.5%	54.7%	4.9%	35.9%
402	1	1,422	0.7	0.98	30.9%	27.0%	10.1%	51.0%	7.3%	31.6%
405	2	2,064	1.0	0.78	14.8%	31.2%	18.9%	28.2%	13.2%	39.7%
406	1	2,855	0.4	0.91	19.3%	30.8%	6.4%	42.3%	5.9%	45.4%
407	1	1,791	0.6	0.95	39.4%	31.5%	3.5%	50.1%	5.6%	40.9%
409	1	1,282	0.8	0.76	42.6%	27.1%	20.6%	31.3%	7.4%	40.7%
411	1	1,440	0.7	0.91	63.4%	44.0%	7.8%	66.0%	11.9%	14.3%
412	1	1,789	0.6	0.85	17.7%	34.3%	4.2%	37.8%	4.2%	53.7%
413	6	5,369	1.1	0.96	24.7%	33.0%	9.4%	23.5%	5.5%	61.6%
414	1	1,579	0.6	0.90	46.3%	31.1%	4.6%	58.0%	8.0%	29.4%
415	2	2,787	0.7	0.94	29.4%	32.5%	17.5%	10.1%	21.1%	51.2%
416	3	4,266	0.7	0.93	20.6%	30.9%	19.9%	14.3%	9.4%	56.4%
419	2	1,707	1.2	0.76	14.8%	23.7%	41.7%	5.9%	8.1%	44.4%
420.01	0	1,691	0.0	0.88	30.2%	27.8%	17.6%	17.4%	7.0%	58.0%
420.02	1	1,728	0.6	0.97	33.6%	29.1%	13.9%	9.5%	6.8%	69.7%
421	4	2,944	1.4	0.94	29.6%	36.4%	16.0%	7.1%	8.4%	68.4%
422	5	1,853	2.7	0.62	6.8%	29.5%	20.4%	4.1%	4.9%	70.6%
423	5	3,270	1.5	0.96	46.9%	31.7%	15.1%	6.9%	5.6%	72.4%
424	2	2,596	0.8	0.98	30.8%	34.4%	13.8%	13.8%	7.1%	65.3%
426	2	2,771	0.7	0.90	26.3%	30.0%	21.3%	1.4%	3.6%	73.8%
427	4	3,509	1.1	0.84	29.6%	33.1%	23.1%	15.0%	5.0%	56.9%
428	5	3,286	1.5	0.92	27.1%	30.1%	27.4%	18.2%	7.0%	47.5%
429	12	4,808	2.5	0.96	34.5%	25.6%	26.2%	20.8%	13.9%	39.1%
430	2	3,525	0.6	0.86	16.1%	25.3%	40.0%	2.9%	6.2%	51.0%
433.01	2	3,445	0.6	0.61	13.8%	18.5%	46.2%	12.8%	6.8%	34.2%
434	2	2,196	0.9	0.76	9.1%	23.1%	51.9%	5.0%	7.5%	35.7%
435	2	1,684	1.2	0.56	9.5%	25.1%	56.4%	2.7%	7.8%	33.1%
436	5	6,648	0.8	0.43	12.7%	26.9%	48.6%	4.5%	8.8%	38.1%
437	1	2,473	0.4	0.66	13.7%	28.8%	50.9%	7.3%	8.5%	33.3%
438.02	0	1,305	0.0	0.08	5.5%	20.0%	77.5%	1.0%	6.1%	15.4%
438.03	0	2,959	0.0	0.74	11.2%	26.3%	57.2%	4.0%	7.8%	31.0%
439.03	2	3,134	0.6	0.88	22.7%	29.9%	22.0%	20.5%	10.1%	47.4%
439.04	2	3,606	0.6	0.96	35.9%	32.0%	18.5%	41.9%	14.3%	25.3%
439.05	9	1,764	5.1	1.00	40.8%	27.4%	34.2%	37.5%	9.4%	19.0%
440.01	4	3,592	1.1	0.85	14.7%	23.1%	53.3%	20.0%	7.7%	19.0%
440.02	1	3,247	0.3	0.90	24.2%	24.6%	61.5%	11.6%	6.7%	20.1%
441.01	2	1,125	1.8	0.96	18.1%	32.0%	22.3%	51.2%	10.8%	15.6%
441.02	5	2,878	1.7	0.45	8.1%	26.7%	40.3%	19.4%	10.6%	29.7%
441.03	2	3,049	0.7	0.64	7.4%	20.5%	30.4%	39.2%	21.6%	8.8%
441.04	2	3,504	0.6	0.85	14.3%	25.5%	22.5%	44.3%	19.0%	14.1%
442.01	5	4,209	1.2	0.17	4.2%	24.4%	43.0%	26.7%	16.7%	13.6%
442.02	2	3,873	0.5	0.48	4.5%	26.0%	33.1%	31.3%	19.0%	16.6%
443.01	6	2,452	2.4	0.97	14.4%	25.1%	38.7%	28.4%	13.8%	19.1%
443.02	1	2,032	0.5	0.89	6.6%	26.0%	33.3%	26.4%	10.9%	29.5%
443.03	1	2,484	0.4	0.99	24.7%	28.5%	20.3%	39.9%	13.7%	26.2%
444	4	3,080	1.3	0.83	11.1%	26.2%	25.7%	30.8%	13.2%	30.3%
445	1	2,309	0.4	0.95	26.0%	27.0%	29.4%	35.1%	8.8%	26.7%
446.01	0	2,761	0.0	0.77	6.0%	21.4%	59.0%	14.8%	10.2%	16.0%
446.02	0	0	NA	NA	NA	NA	NA	NA	NA	NA

Census Tract	# of Retailers	Total Population	Retailers per 1,000 People	SVI Ranking	Poverty Rate	Age Under 18	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic Other or Multiple Races	Hispanic, Any Race
446.03	0	0	NA	NA	NA	NA	NA	NA	NA	NA
447.02	7	4,717	1.5	0.83	6.7%	25.6%	71.2%	7.0%	8.8%	13.0%
447.03	3	3,470	0.9	0.36	5.0%	20.0%	66.7%	13.3%	10.1%	9.9%
447.04	2	1,705	1.2	0.54	6.5%	20.6%	50.1%	28.0%	10.3%	11.6%
448.03	3	6,835	0.4	0.17	5.0%	26.2%	69.6%	13.5%	7.6%	9.2%
448.04	0	5,152	0.0	0.23	1.4%	29.5%	64.4%	16.2%	9.0%	10.4%
448.07	9	3,069	2.9	0.38	4.7%	22.9%	76.5%	7.0%	6.9%	9.5%
449	2	4,799	0.4	0.84	19.4%	25.7%	70.4%	6.1%	7.9%	15.5%
451	0	1,985	0.0	0.68	33.0%	16.9%	41.4%	22.6%	12.9%	23.1%
452	0	4,330	0.0	0.41	21.9%	10.9%	57.1%	9.8%	11.2%	21.9%
9800	1	0	NA	NA	NA	NA	NA	NA	NA	NA
9805	0	15	NA	NA	NA	NA	NA	NA	NA	NA
9809	0	98	NA	NA	NA	NA	NA	NA	NA	NA
9812	2	11	NA	NA	NA	NA	NA	NA	NA	NA
9815	2	9	NA	NA	NA	NA	NA	NA	NA	NA
Wyandotte County	158	169,245	0.9	0.98	18.8%	27.0%	37.3%	20.1%	9.7%	33.0%
Kansas	2,748	2,937,880	0.9	NA	12.0%	24.1%	72.2%	5.6%	9.2%	13.0%

Note: Census tracts are based on the 2020 boundary lines. The Social Vulnerability Index (SVI) Ranking for census tracts is based on all census tracts across Kansas and for counties is based on the 105 counties in Kansas. Information is not available (NA) for census tracts with a small population or missing data for population characteristics.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location, 2020 U.S. Census Bureau's Decennial Census for total population, age under 18 and race/ethnicity, 2015-2019 American Community Survey 5-year estimates for poverty and 2018 Social Vulnerability Index (SVI) ranking from the Centers for Disease Control and Prevention.

Figure B13. Quintiles for the Distribution of Tobacco Retailers and Select Population Characteristics Across Census Tracts, Wyandotte County, Kansas

Quintile	# of Retailers	Total Population	Retailers per 1,000 People	SVI Ranking	Poverty Rate	Age Under 18	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic Other or Multiple Races	Hispanic, Any Race
Minimum	0	1,125	0.0	0.08	1.4%	10.9%	3.5%	1.0%	3.6%	8.8%
1st	1	1,769	0.4	0.57	6.9%	23.9%	16.3%	7.0%	6.7%	15.6%
2nd	2	2,529	0.6	0.80	14.5%	26.1%	22.4%	14.0%	7.8%	26.4%
3rd	2	3,076	0.8	0.89	23.6%	28.7%	39.5%	23.1%	9.2%	35.8%
4th	4.8	3,603	1.3	0.95	30.7%	31.1%	55.8%	37.7%	12.7%	51.2%
5th (Maximum)	12	6,835	5.1	1.00	63.4%	44.0%	77.5%	66.0%	21.6%	73.8%

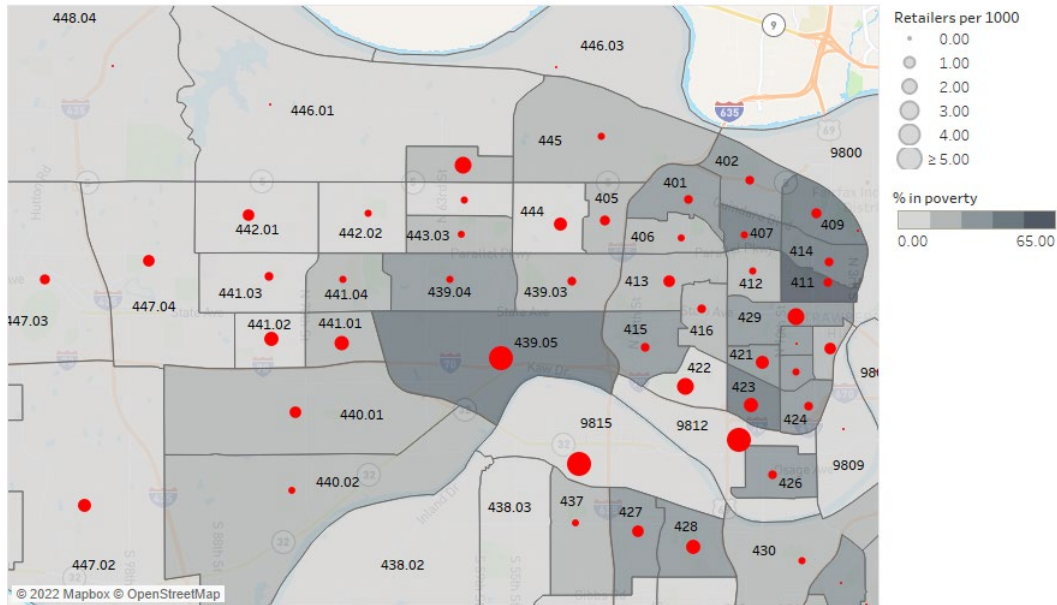
Note: Census tracts are based on the 2020 boundary lines. The Social Vulnerability Index (SVI) Ranking for census tracts is based on all census tracts across Kansas. Seven census tracts are excluded because of very small population or missing data on population characteristics.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location, 2020 U.S. Census Bureau's Decennial Census for total population, age under 18 and race/ethnicity, 2015-2019 American Community Survey 5-year estimates for poverty and 2018 Social Vulnerability Index (SVI) ranking from the Centers for Disease Control and Prevention.

Key Points

- Wyandotte County has 158 tobacco retailers and 169,245 residents. That translates to 0.9 retailers per 1,000 people.
- Only six out of the 64 census tracts in Wyandotte County have six or more retailers, with the highest found in census tract 429, which has 12 retailers. Most census tracts (70.3 percent; 45 out of 64 census tracts) have two or fewer retailers.
- The highest tobacco retailer density per 1,000 people in Wyandotte County is 5.1 in census tract 439.05, followed by 2.5 to 2.9 in census tracts 443.01, 429, 422 and 448.07. Another 14 census tracts have a density ranging from 1.0 to 2.0.
- While the social vulnerability in Wyandotte County is very high compared to all counties in Kansas, the vulnerability ranges widely (0.08 to 1.0) across census tracts in the county and only 10 census tracts are ranked at the bottom half of the social vulnerability index (<0.50).
- The census tract 411 has the highest poverty rate (63.4 percent) in the county which is over three times the county rate (18.8 percent).
- The percent of the population who are children under age 18 ranges from 10.9 percent in census tract 452 to 44.0 percent in census tract 411 with 27.0 percent at the county level.
- At the county level, nearly four in 10 (37.3 percent) Wyandotte County residents are non-Hispanic White, one-third (33.0 percent) are Hispanic, Any Race, one-fifth (20.1 percent) are non-Hispanic Black and one in 10 (9.7 percent) are non-Hispanic Other or Multiple Races.
- The race/ethnicity distribution varies greatly across census tracts in Wyandotte County, with census tract 438.02 having the highest percentage (77.5 percent) of non-Hispanic White residents, census tract 411 having the highest percentage (66.0 percent) of non-Hispanic Black residents, census tract 441.03 having the highest percentage (21.6 percent) of non-Hispanic Other or Multiple Race residents, and census tract 426 having the highest percentage (73.8 percent) of Hispanic, Any Race, residents.

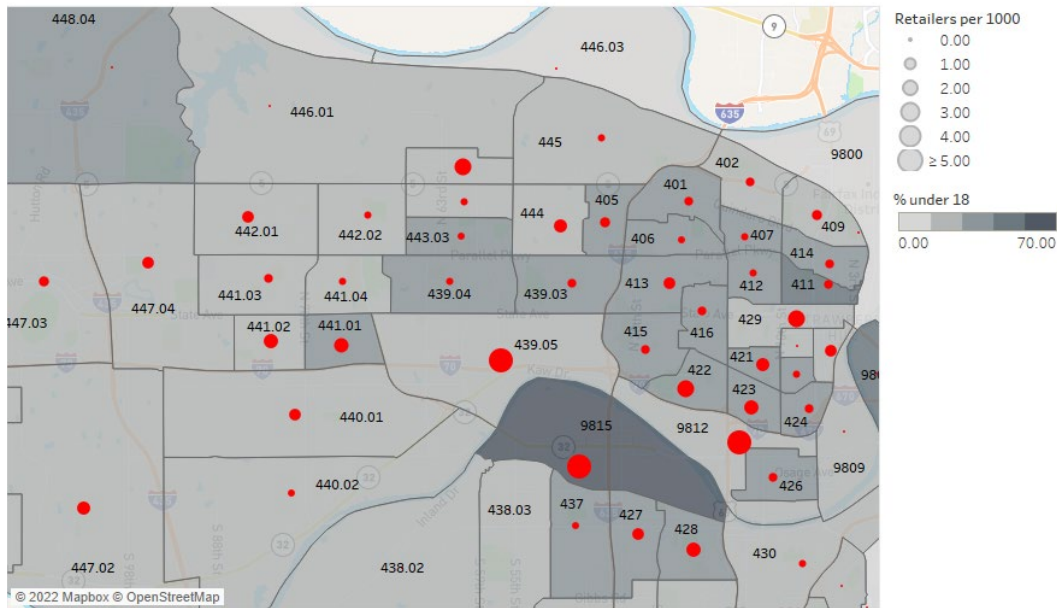
Figure B14. Tobacco Retailer Density and Poverty, Wyandotte County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the U.S. Census 2015-2019 American Community Survey 5-year estimates.

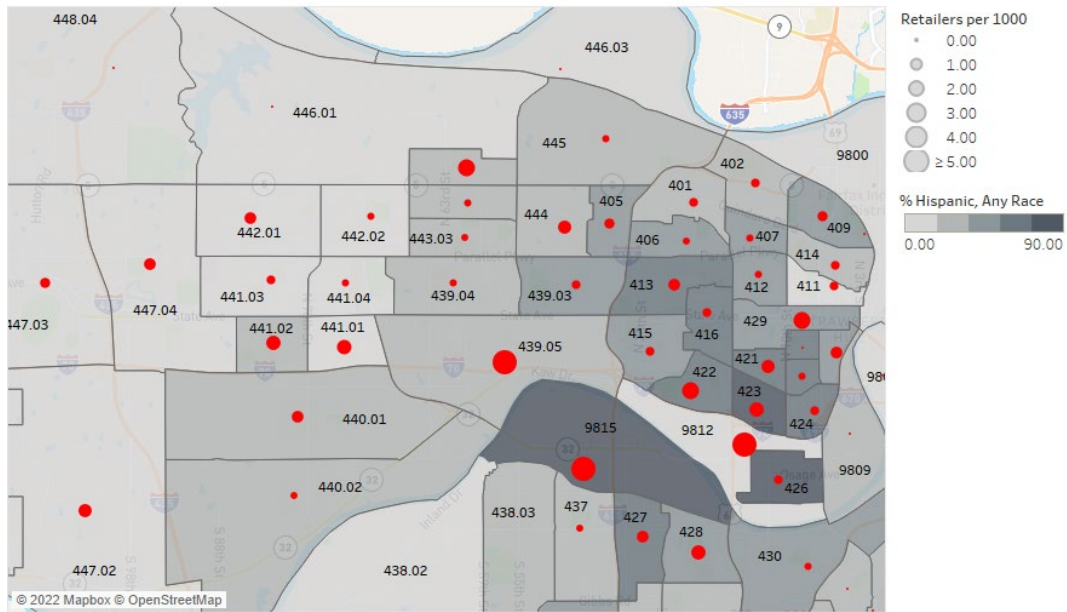
Figure B15. Tobacco Retailer Density and Children Under Age 18, Wyandotte County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the 2020 U.S. Census Bureau's Decennial Census.

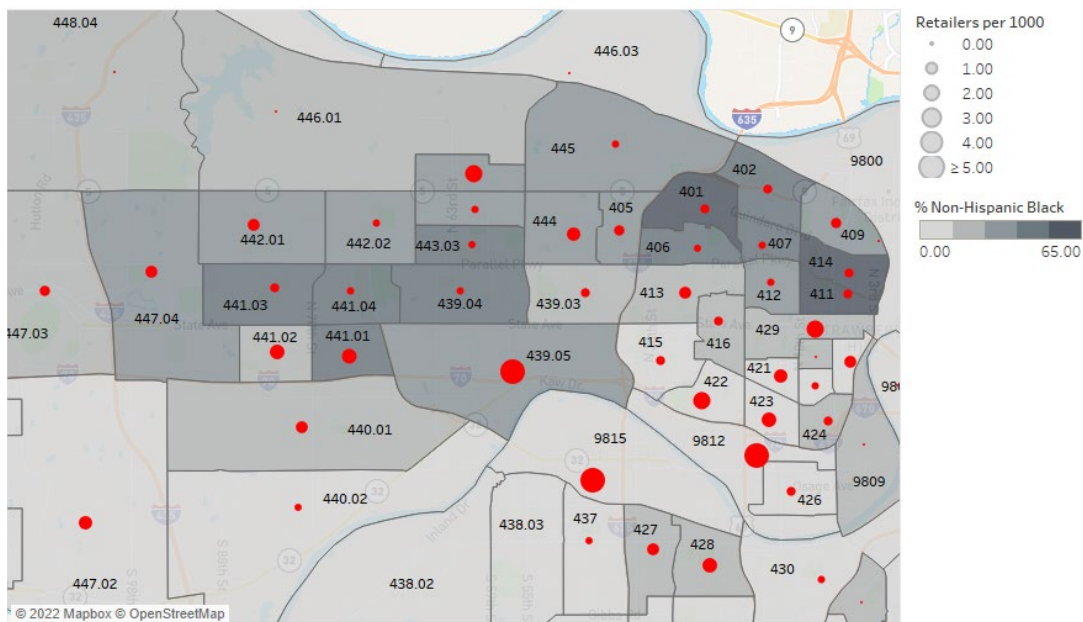
Figure B16. Tobacco Retailer Density and People Who Identify as Hispanic, Any Race, Wyandotte County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the U.S. Census Bureau's 2015-2019 American Community Survey 5-year estimates.

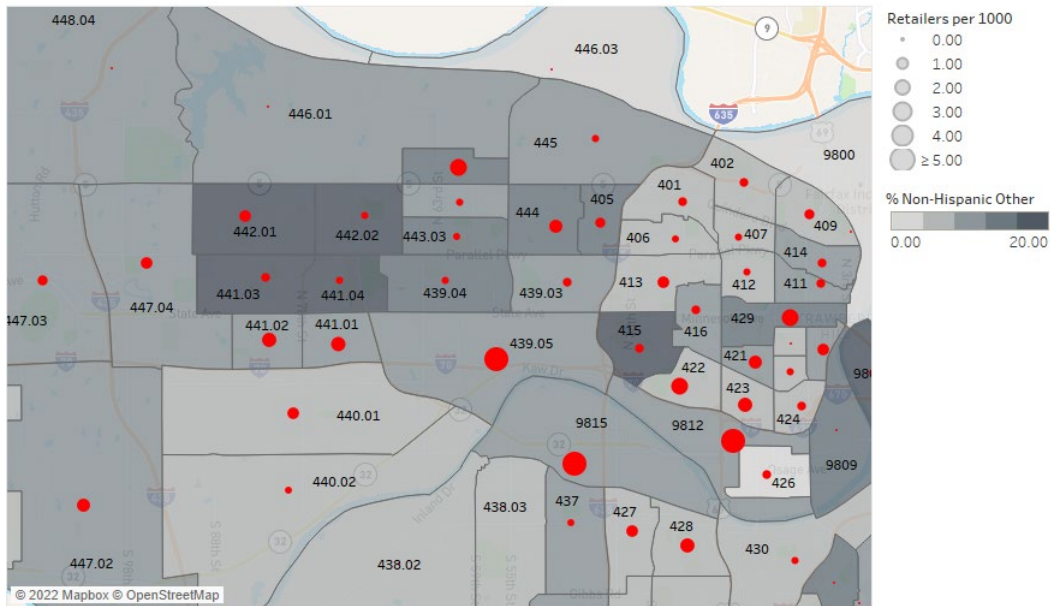
Figure B17. Tobacco Retailer Density and People Who Identify as Non-Hispanic Black, Wyandotte County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the U.S. Census Bureau's 2015-2019 American Community Survey 5-year estimates.

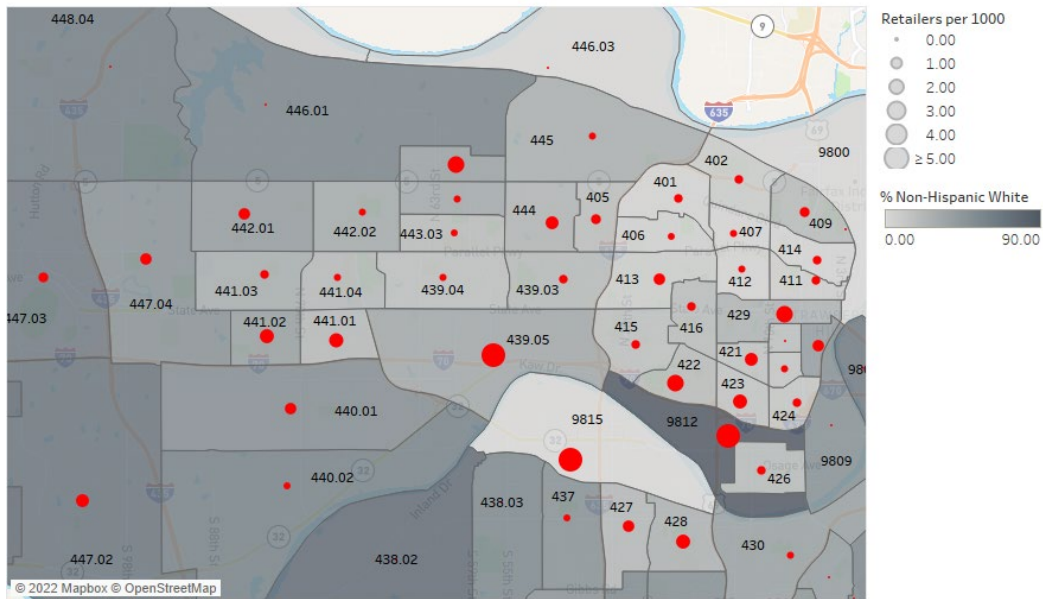
Figure B18. Tobacco Retailer Density and People Who Identify as Non-Hispanic, Other or Multiple Races, Wyandotte County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the U.S. Census Bureau's 2015-2019 American Community Survey 5-year estimates.

Figure B19. Tobacco Retailer Density and People Who Identify as Non-Hispanic White, Wyandotte County, Kansas



Note: Census tracts are based on the 2020 boundary lines.

Source: KHI summary of the 2021 KDOR Retailer information for tobacco retail outlet location and the U.S. Census Bureau's 2015-2019 American Community Survey 5-year estimates.

Appendix C: Additional Resources

- American Heart Association
 - [Tobacco Retail Licensure](#)
 - [Interactive Map](#)
- ASPIRE
 - [Tobacco Retail Policy Trends in 2019](#)
 - [Tobacco Retailers](#)
- Centers for Disease Control and Prevention (CDC)
 - [Summary of Scientific Evidence: Tobacco Retail Density, Location, and Licensure](#)
 - [Table of States with Laws Requiring Licenses for Over-the-Counter Sales of Cigarettes](#)
- ChangeLab Solutions
 - [Licensing and Zoning Playbook](#)
 - [Tobacco Retail Licensing](#)
 - [Licensing Ordinance Checklist](#)
 - [The Basics of Tobacco Retailer Licensing](#)
- Public Health Law Center
 - [Commercial Tobacco Control](#)
 - [Comprehensive Tobacco Retailer Licensing Ordinance](#)
 - [Tobacco & E-Cig Point of Sale: Regulating Retailers for Public Health](#)

- Tobacco 21
 - [Tobacco Retail Licensing: An Essential Tool to Reduce Youth Usage and Foster Health Equity](#)

Appendix D: Endnotes

- 1 Institute of Medicine. (2015). Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products. Washington, D.C.: National Academies Press.
- 2 Shah, H. B., Panas, L. J. (2018). Understanding the Tobacco 21 Initiative and Implementation of Tobacco 21 Laws. Kansas Health Institute. <https://www.khi.org/assets/uploads/news/14844/tobacco-21-laws-r1.pdf>
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- 4 Ibid.
- 5 Public Health Law Center. (n.d.). Retail Sales, Internet Sales, & Licensure. Retrieved from <https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/retail-sales-internet-sales-and-licensure>
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- 11 Centers for Disease Control and Prevention. (n.d.). High School YRBS: Kansas 2019 Results. Retrieved from <https://nccd.cdc.gov/youthonline/app/Results.aspx?LID=KS>
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- 16 Huang, D. (2019). Tobacco Retailer Density: Place-Based Strategies to Advance Health and Equity. ChangeLabSolutions. https://www.changelabsolutions.org/sites/default/files/CLS-BG214-Tobacco_Retail_Density-Factsheet_FINAL_20190131.pdf (p. 4)

17 Ibid.

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