



Shifting Focus: Unintended Consequences and Alternatives to Minor in Possession Laws

What are MIP, PUP, and TTUPA?

- **Minor in Possession (MIP):** State or local laws that prohibit individuals under 21 from possessing or consuming regulated substances in the state. ‘Possession’ includes having these substances on your person, in your belongings, or within your vehicle. Violations result in legal consequences for youth.¹
- **Purchase, Use, and Possession (PUP):** State or local laws penalizing purchase, use, and possession, are regulations that aim to deter tobacco use among individuals under 21 by legally penalizing those who buy, use, or possess tobacco products.²
- **Teen Tobacco Use Prevention Act (TTUPA):** State legislation that prohibits minors from possessing or using nicotine products. Violations are classified as non-criminal offenses.³
 - Cities and towns can choose to adopt local MIP or PUP laws, and these local ordinances may carry more severe penalties than state law.

MIP and PUP Laws Unfairly Punish Youth, Instead of the Tobacco Industry and Retailers

- **Ineffective prevention:** PUP laws fail to significantly reduce youth tobacco use; stronger retailer enforcement and age-21 laws are more effective.⁴
- **Misplaced accountability:** These laws shift focus from predatory tobacco industry marketing towards penalizing young people, who are often targeted victims.⁵
- **Barriers to treatment:** Punishments can deter youth from seeking crucial cessation support and treatment.
- **Erosion of trust through punitive measures:** Punishing young people for nicotine possession instead of educating them about the risks reduces the likelihood that youth will seek help or engage in open dialogue about substance use.

- **Disproportionate impact:** Enforcement of PUP laws can lead to inequitable legal consequences, including criminal records and loss of privileges, affecting minority youth at higher rates.⁶
- **Ongoing youth access:** 2023 Healthy Kids Colorado Survey data show that youth are still able to easily acquire tobacco products, especially through retail locations, indicating that retail enforcement is a more effective focus.⁷

Alternatives to MIP and PUP

- **Shift policy focus:** Advocate to repeal PUP/MIP laws, replacing them with policies that limit tobacco product availability and advertising, particularly in youth-frequented areas.
- **Enforce retail accountability:** Prioritize and strengthen enforcement of Tobacco 21 (T21) laws at the retail level, holding retailers accountable for illegal sales to minors.
- **Invest in and promote cessation:** Increase funding and access to effective youth-friendly tobacco cessation programs like My Life My Quit

¹ University of Colorado Boulder. (2019). Colorado MIP Law. Police Department. <https://www.colorado.edu/police/crime-prevention/safety-tips/colorado-laws/colorado-mip-law>

² Public Health Law Center. (2024). Youth Purchase, Use, of Possession (PUP). <https://publichealthlawcenter.org/sites/default/files/resources/Anti-Youth-PUP-Laws.pdf>

³ JUSTIA U.S. Law. (2018). 2018 Colorado Revised Statutes :25-14-301. Justia Law. <https://law.justia.com/codes/colorado/2018/title-25/environmental-control/article-14/part-3/section-25-14-301/>

⁴ Jason, L. A., Pokorny, S. B., & Adams, M. (2008). A randomized trial evaluating tobacco possession-use-purchase laws in the USA. *Social science & medicine* (1982), 67(11), 1700–1707. <https://doi.org/10.1016/j.socscimed.2008.09.028>

⁵ Campaign for Tobacco Free Kids. (2014). Designed for Addiction How the Tobacco Industry Has Made Cigarettes More Addictive, More Attractive to Kids and Even More Deadly. https://assets.tobaccofreekids.org/content/what_we_do/industry_watch/product_manipulation/2014_06_19_DesignedforAddiction_web.pdf

⁶ Gottlieb, N. H., Loukas, A., Corrao, M., McAlister, A., Snell, C., & Huang, P. P. (2004). Minors' tobacco possession law violations and intentions to smoke: implications for tobacco control. *Tobacco control*, 13(3), 237–243. <https://doi.org/10.1136/tc.2003.003988>

⁷ Healthy Kids Colorado Survey Dashboard | Colorado Department of Public Health and Environment. (2023). Colorado.gov. <https://cdphe.colorado.gov/healthy-kids-colorado-survey-information/healthy-kids-colorado-survey-dashboard>