Tobacco 21: Raising the Legal Sales Age

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Tobacco 21

INTRODUCTION

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Disclaimer
A. Why Raise the Age?
Tobacco

Have we won the war?
Youth tobacco use
Youth tobacco use
In 2015
25.3% of high school students had used a tobacco product in the last 30 days
In 2015

Youth 30-day use of any tobacco products:
- stopped declining in 2013
- has been increasing since
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What to do?
What Is the Science Base On Tobacco 21?

• **2009** - Family Smoking Prevention and Tobacco Control Act directs the Food and Drug Administration to study the public health implications of raising the tobacco sale age.

• **2013** - FDA contracts with the Institute of Medicine to:
  • Examine the existing academic literature on tobacco use initiation
  • Predict the likely public health outcomes of raising the tobacco sale age

IOM Study – Age to 21

Reduces smoking initiation:

* 25% @ 15-17
* 15% @ under 15
* 15% @ 18-20
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Smoking Delayed = Smoking Prevented
Why Raise the Age?

Tobacco companies know that if they don’t capture new users by their early 20’s, it’s unlikely that they ever will.

“If a man has never smoked by age 18, the odds are three-to-one that he never will. By age 24, the odds are twenty-to-one.”

—RJ Reynolds, September 10, 1982
IOM Study – Age to 21

Reduces smoking prevalence by 12%
IOM Study – Age to 21

- over the long term, there will be:
  - 223,000 fewer premature deaths
  - 50,000 fewer deaths from lung cancer
  - 4.2 million fewer years of life lost.
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• About 95% of adult smokers begin smoking before they turn 21
• Many smokers transition to regular use during the ages of 18-21
• Nationally, 18-20 year olds are twice as likely as 16-17 year olds to be current smokers
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“Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market (17-20) where we sell about 25 billion cigarettes and enjoy a 70 percent market share.”

—Philip Morris report, January 21, 1986
Nicotine is addictive, and adolescents and young adults are more susceptible to it. Symptoms of dependence—withdrawal, tolerance—can occur after just minimal exposure to nicotine. 3 out of 4 teen smokers end up smoking into adulthood, even if they intend to quit after a few years.
Social Sources

• Two-thirds of 10\textsuperscript{th} grade students and nearly half of 8\textsuperscript{th} grade students say it’s easy to get cigarettes

• Older youth smokers (18-19 years) are a major supplier of cigarettes for younger kids who rely on friends and classmates to buy them
Social Sources

• More 18-19 year olds in high school means younger kids have daily contact with students who can legally purchase tobacco

• Retailer violation rate is low (9.6%) – kids are getting cigarettes from other sources
Two states – California and Hawaii – and at least 200 localities have raised the tobacco sale age to 21.

Hawaii’s law became effective January 1, 2016.

California’s law took effect June 9, 2016.

We will look forward to learning about the impacts of these state laws as data comes in over the next few years.
Americans Favor Raising the Tobacco Sale Age to 21

Do you favor or oppose raising the legal minimum sale age to purchase all tobacco products from 18 to 21?

Source: King, BA, et al, American Journal of Preventive Medicine, 2015
Never Smokers, Former Smokers, and Current Smokers Support Raising the Tobacco Sale Age to 21

Do you favor or oppose raising the legal minimum sale age to purchase all tobacco products from 18 to 21?
Model Legislation Basics

• Prohibit sales to individuals under 21

• Penalize the sale instead of the possession – hold vendors and the tobacco industry accountable

• Address enforcement issues during drafting stage
  – Enforcement authority and responsibility
  – Plan for compliance checks, signage, retailer education

• Fiscal impact expected to be small – prevalence impacts build over time
B. Issues
Issue One
WHAT WILL PEOPLE THINK?
Nearly two-thirds of Washington voters (65%) support raising the legal age for the sale of tobacco products from 18 to 21, including 46% who “strongly favored” the proposal.

There will be a proposal before the state legislature to raise the legal age for the sale of cigarettes and other tobacco products in Washington State from 18 to 21. Are you inclined to favor or oppose Washington changing the law to raise that age? Would you (favor/oppose) or strongly (favor/oppose)?

Support was uniformly high across the board, with support above 55% in every demographic category in the survey, including:

- Democrats (72%), Independents (59%) and Republicans (66%);
- Men (61%) and women (60%); and
“It’s hard for me to think that we can treat 18 year olds as adults and say they’re old enough to send to war but not old enough to buy cigarettes.”

--a Washington state legislator
“If someone is young enough to fight for their country, they should be free from addiction to a deadly drug.”

--Read Admiral John Fuller
U.S. Navy
2011 Dept of Defense Study

24.6% of active duty servicemembers smoke cigarettes

19.5% of active duty servicemembers use smokeless tobacco
Soldiers & Sailors 18-20

26.3% smoke

- Marines: 30.7%
- Army: 26.8%
- Navy: 24.3%
- Air Force: 16.7%
Also

* Alcohol, Marijuana – 21
* Military bases are not covered
Is this really about the military?
Is this really about the military?

* Libertarian – freedom of choice

* Smoking infantrymen can’t run very fast

* But “Military” has emotional appeal
Issue Three

Too Late! I can already smoke!
Too Late!!

Grandfather clause
Too Late!!

Delayed implementation date
Issue 4

Filthy Lucre
“We can’t figure out how we can afford it with all the other things we need to pay for.”

-- A Washington state legislator
“The Legislature just balanced their budget on the backs of teenage smokers.”

-- Attorney General Bob Ferguson
Issue 4: Filthy Lucre

Washington
Hawaii
California
Guam
Equity: criminal penalties for minors in possession
C. How Hawaii Did It
How Hawaii Did It

Coalition for a Tobacco Free Hawaii
Youth Youth Youth Youth Youth Youth
Equity
Military
Nanny State
How Hawaii Did It
The Institute of Medicine Study
How Hawaii Did It

And as January 1, 2016 approached...
MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER & RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE NAVY (MANPOWER & RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE AIR FORCE (MANPOWER & RESERVE AFFAIRS)
DIRECTOR, DEFENSE COMMISSARY AGENCY

Effective January 1, 2016, State of Hawaii law prohibits the sale or furnishing of tobacco products, including electronic smoking devices and smokeless tobacco, to persons under the age of 21 years. The law also prohibits persons under 21 from purchasing or possessing tobacco products.

Although state law generally does not regulate federal activities, as a matter of policy, Defense Resale activities, including Morale, Welfare, and Recreation points of sale, located on places subject to concurrent jurisdiction in the State of Hawaii will not sell or furnish tobacco products, including electronic smoking devices and smokeless tobacco, to persons under the age of 21 years.

Defense Resale activities on areas of exclusive federal jurisdiction, including U.S. Naval Bases, are not subject to State laws.
Stakeholder Engagement

• Sign-on letter: organizations representing health, community, prevention, local government, insurance, education are signing on to a letter urging Washington lawmakers to pass this bill. This letter will be delivered en masse to legislators during session.
Stakeholder Engagement

**Resolutions: City and County Councils, School Boards, Boards of Health are encouraged to pass resolutions supporting the bill and urging lawmakers to pass it.**
Stakeholder Engagement

• Youth Advocates (HS and college)
  • Social media campaign – video testimonials, selfies
  • Youth Lobby Day at the Capitol – youth/legislator panel, one-on-one legislator visits
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