



Tobacco 21: Raising the Legal Sales Age

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Senior Counsel**

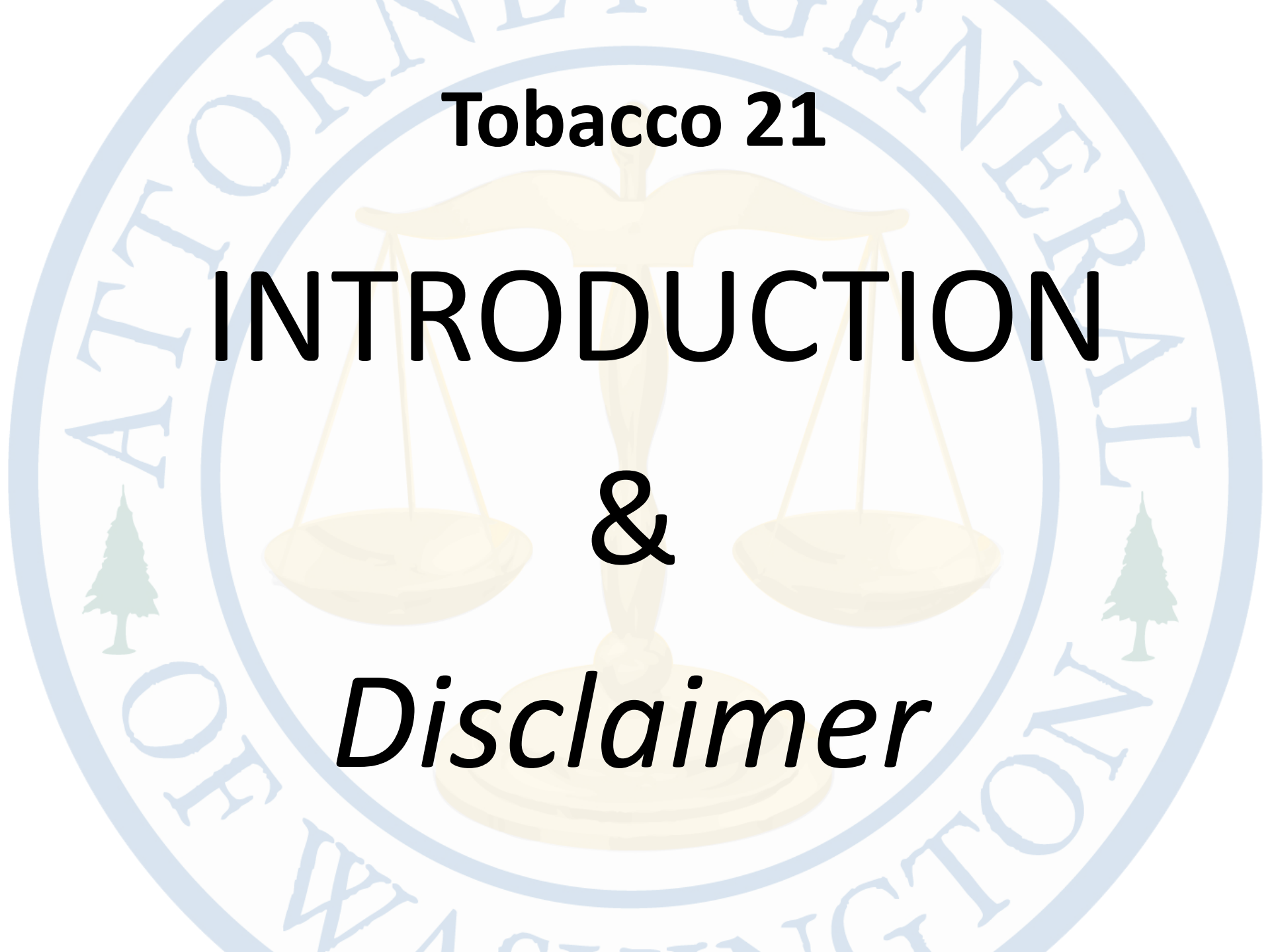
Washington Attorney General's Office

Tobacco 21

INTRODUCTION

&

Disclaimer





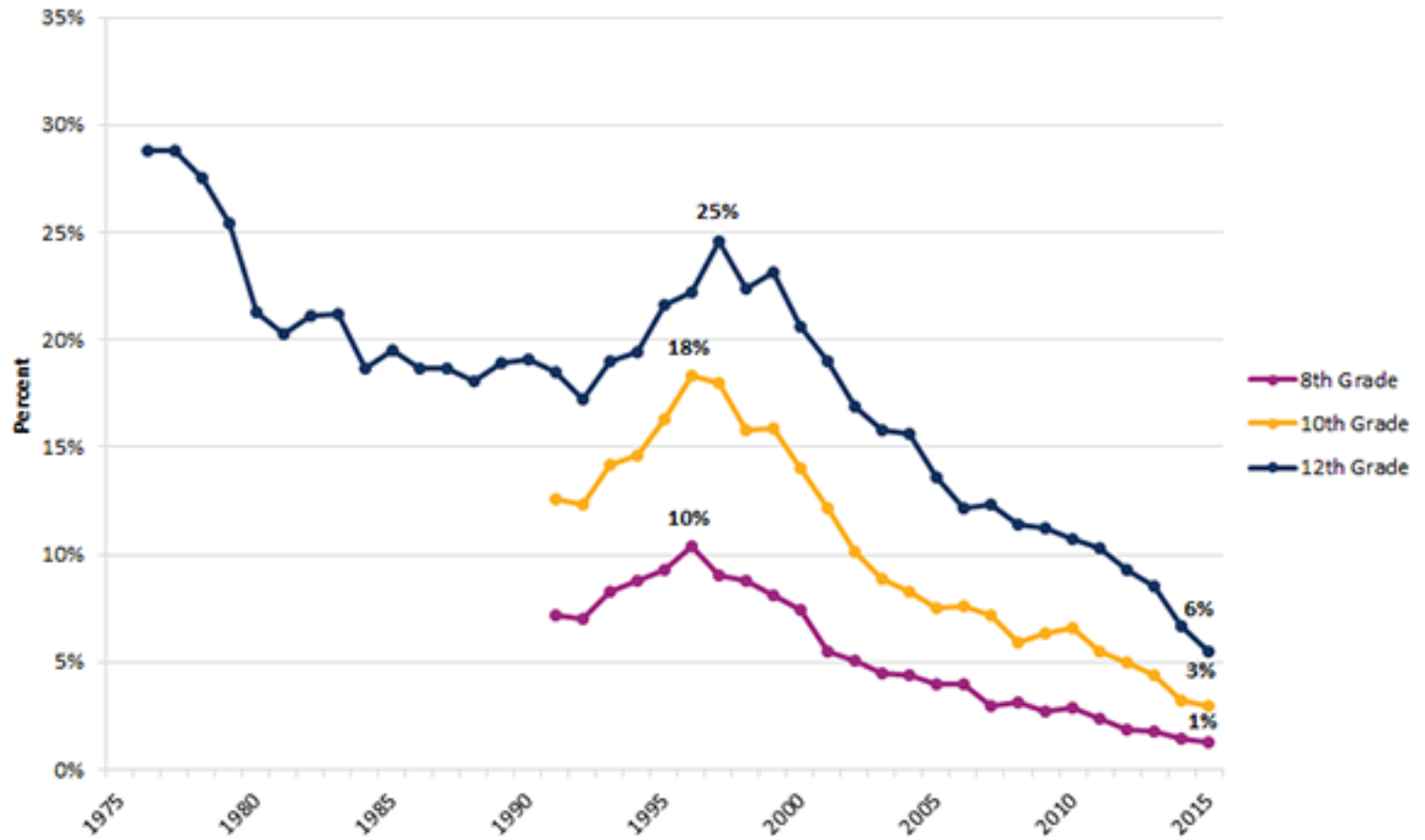
**A. Why Raise
the Age?**

A golden scale of justice is centered in the background. It features a central pillar with a figure holding a sword, and two pans hanging from a horizontal beam. The scale is set against a light blue circular background that contains the text 'ATTORNEY GENERAL' and 'WASHINGTON' around the perimeter, along with two small green tree icons.

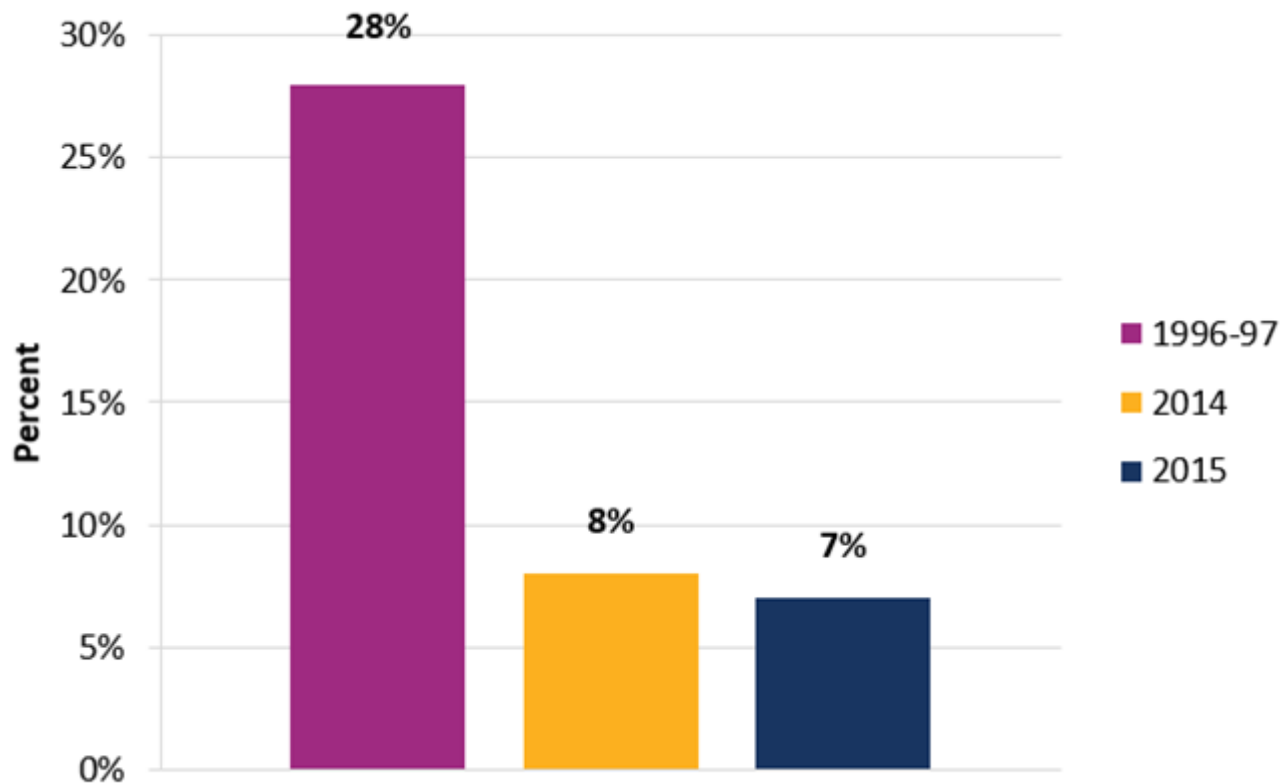
Tobacco

**Have we
won the
war?**

Youth tobacco use



Youth tobacco use





BUT



In 2015

25.3% of high school students had used a tobacco product in the last 30 days

A large, faint, golden scale of justice is centered in the background. The scales are balanced, with two pans hanging from a central beam. The background also features a large, light blue circular seal with the text "ATTORNEY GENERAL" and "HOWARD UNIVERSITY" around the perimeter, and two green pine trees on either side of the scales.

In 2015

Youth 30-day use of any tobacco products:

-stopped declining in 2013

-has been increasing since

Tobacco

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
- **2015** – The report, *The Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products* **predicts substantial improvements in public health.**

IOM Study – Age to 21

**Reduces smoking
initiation:**

***25% @ 15-17**

***15% @ under 15**

***15% @ 18-20**

Tobacco 21



**Smoking
Delayed =
Smoking
*Prevented***

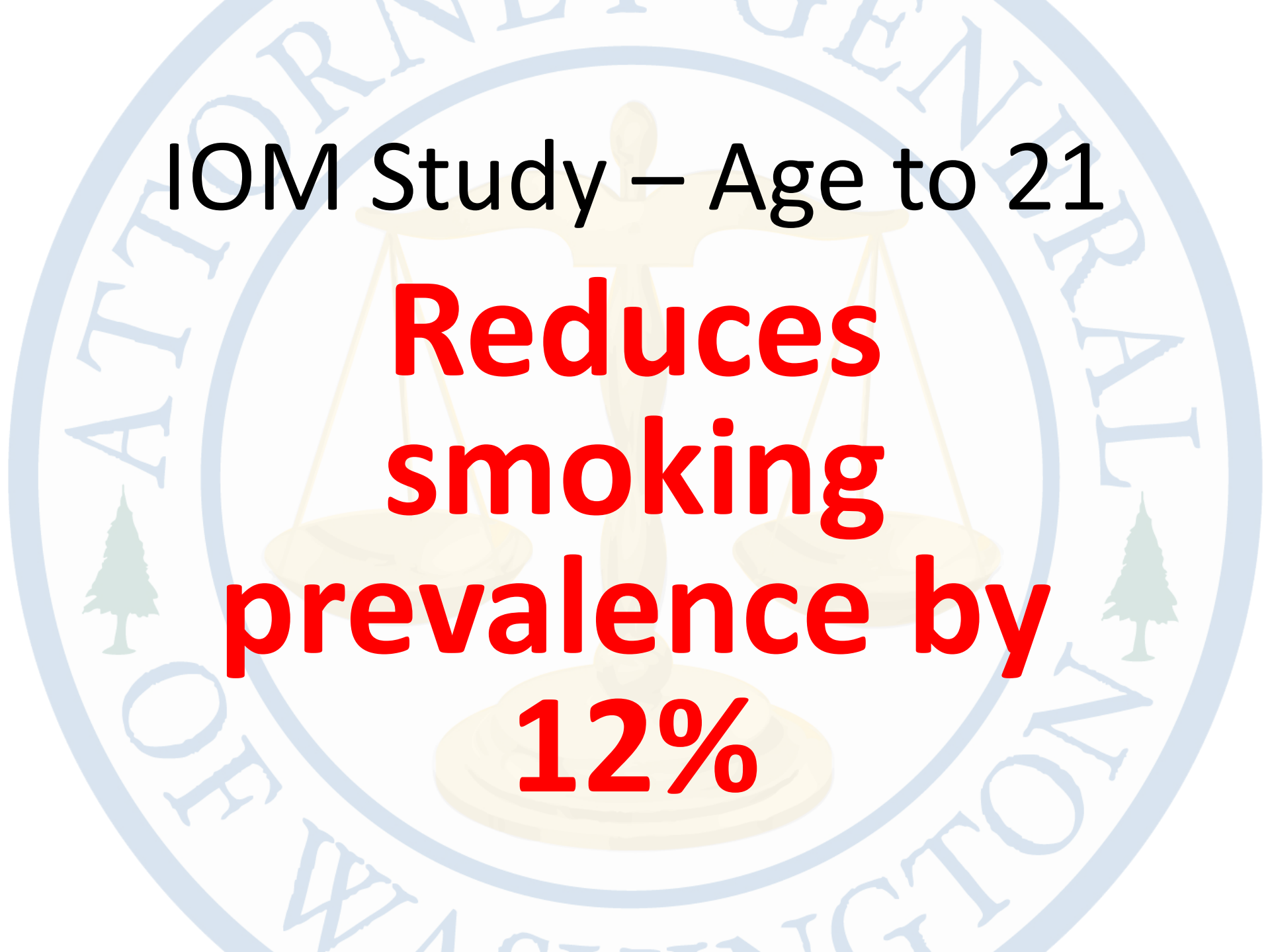


Why Raise the Age?

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.**

Tobacco 21

- **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**

Tobacco 21

“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

- 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 10th grade students and nearly half of 8th 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



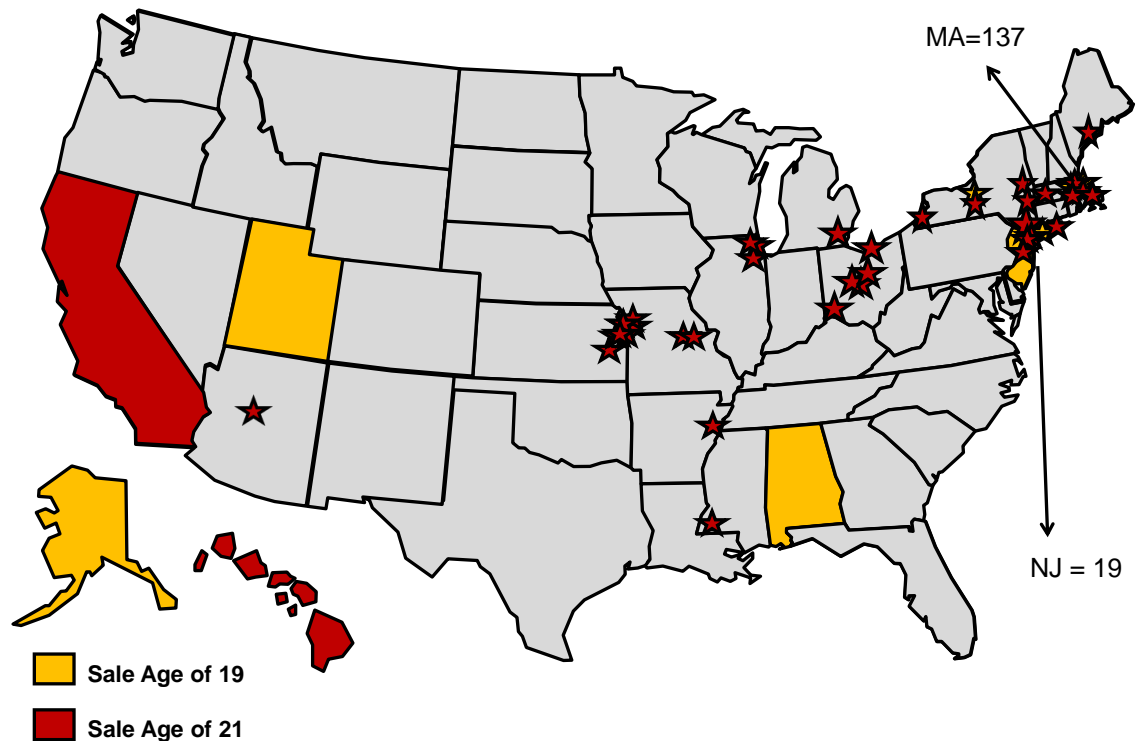
Increasing the Sale Age to 21: An Emerging Strategy

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.

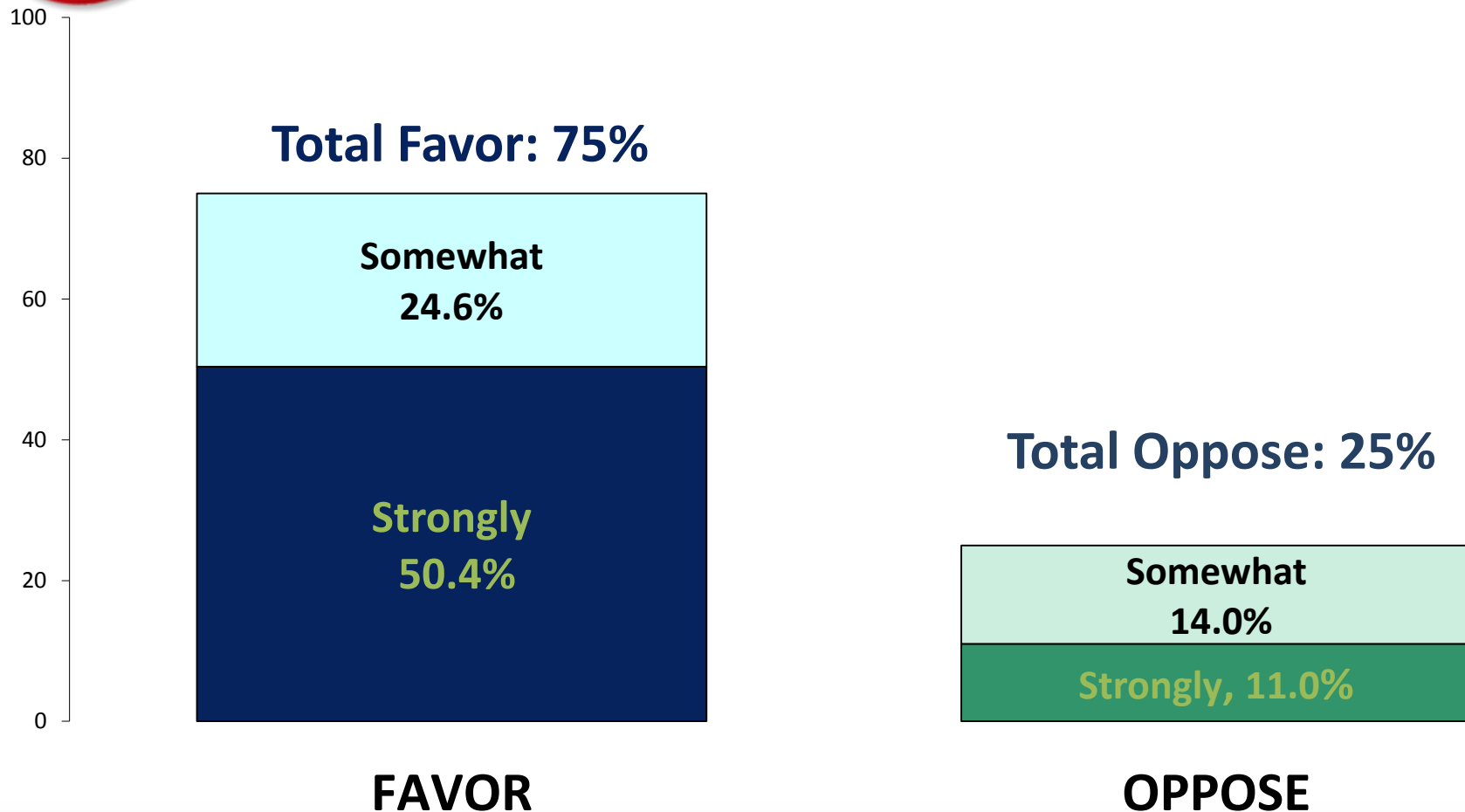
California's law took effect June 9, 2016.

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

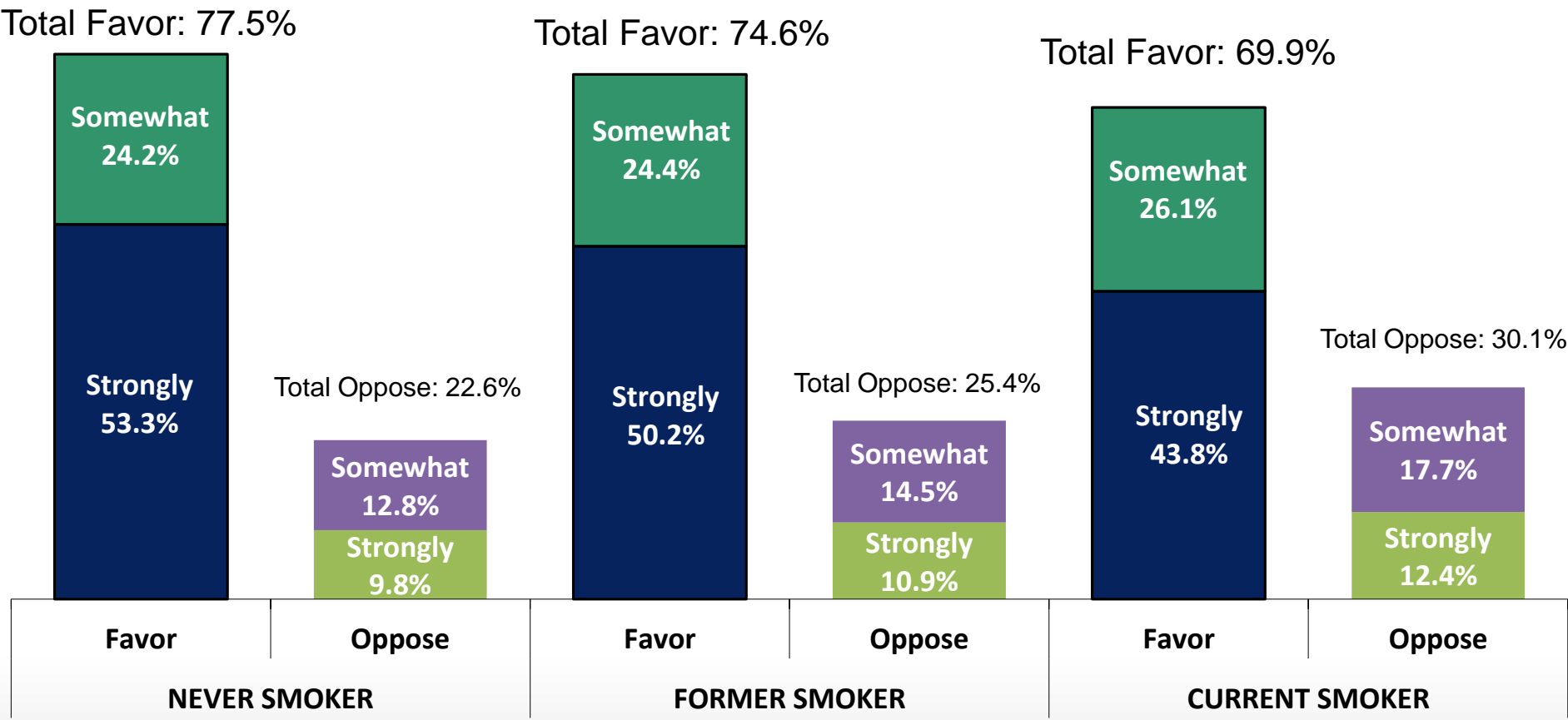


Do you favor or oppose raising the legal minimum sale age to purchase all tobacco products from 18 to 21?

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

A golden scale of justice is centered in the image. It features a central column with a bird-like figure at the top, from which two pans are suspended by thin wires. The scale is set on a tiered, circular base. The background is a light blue circular seal with the text 'ATTORNEY GENERAL' at the top and 'OF WASHINGTON' at the bottom, separated by two green pine trees.

B. Issues

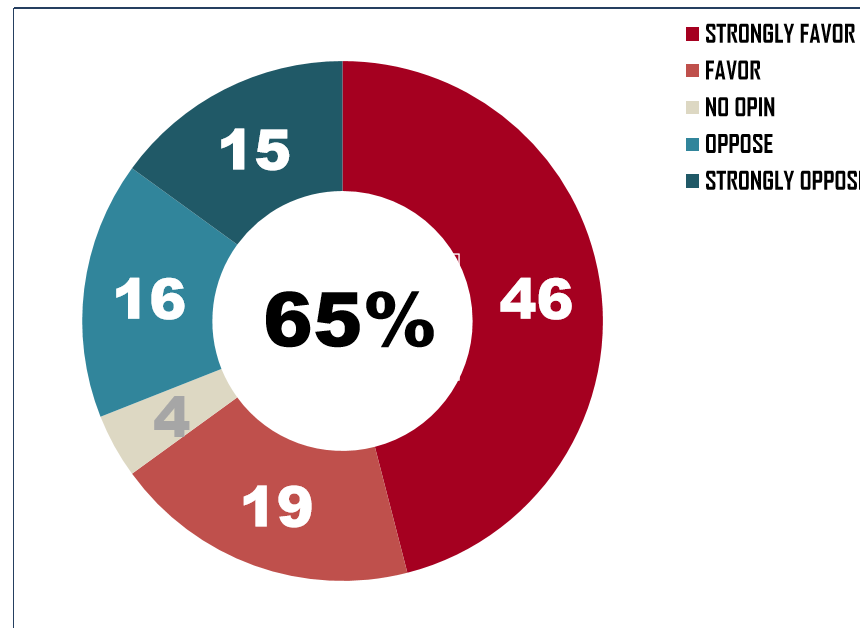


Issue One

**WHAT WILL
PEOPLE THINK?**

CAMPAIGN FOR TOBACCO-FREE KIDS

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)?

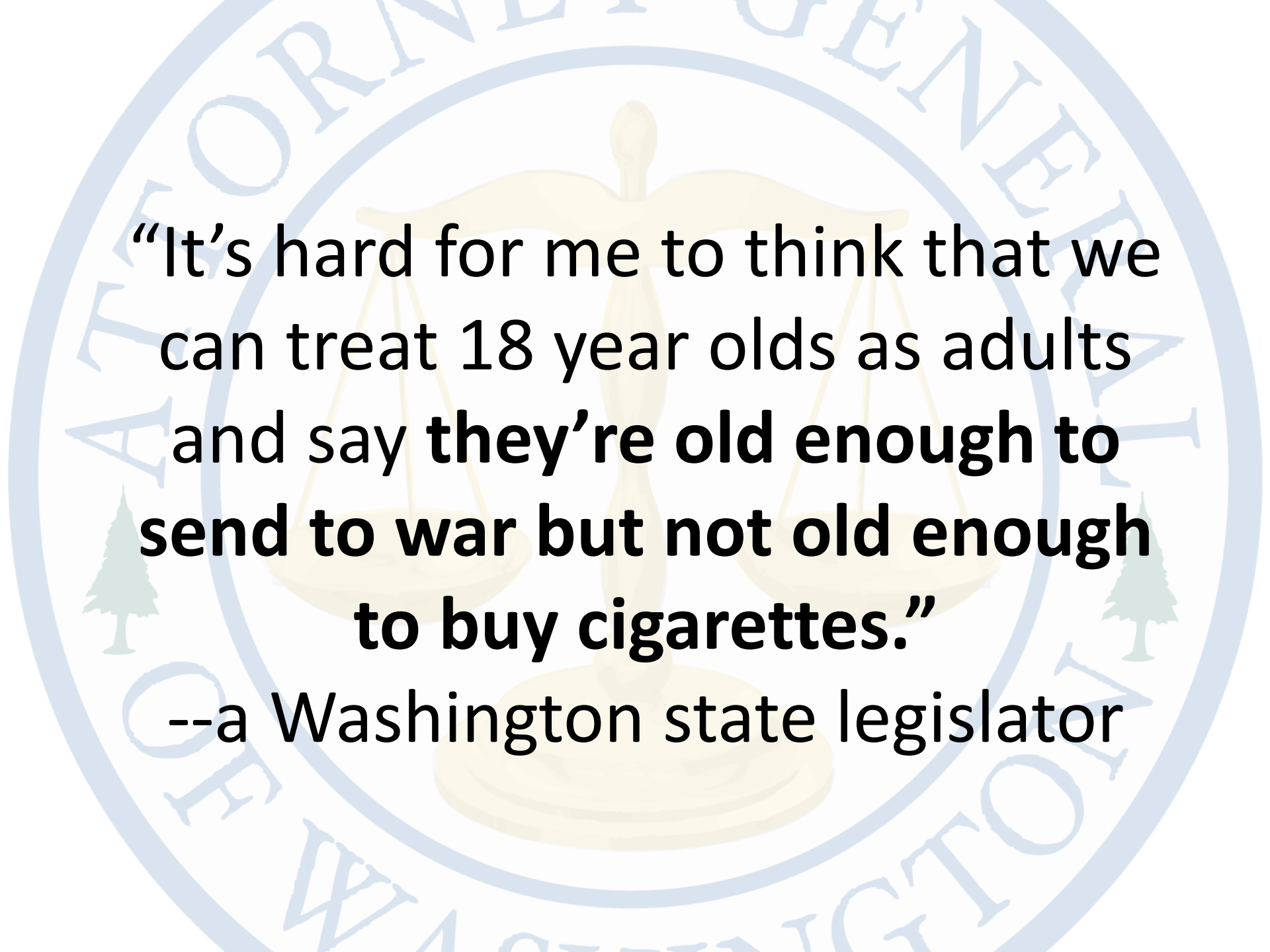
Support was uniformly high across the board, with support above 55% in every demographic category in the survey, including:

- Democrats (72%), Independents (59%) and Republicans (66%);



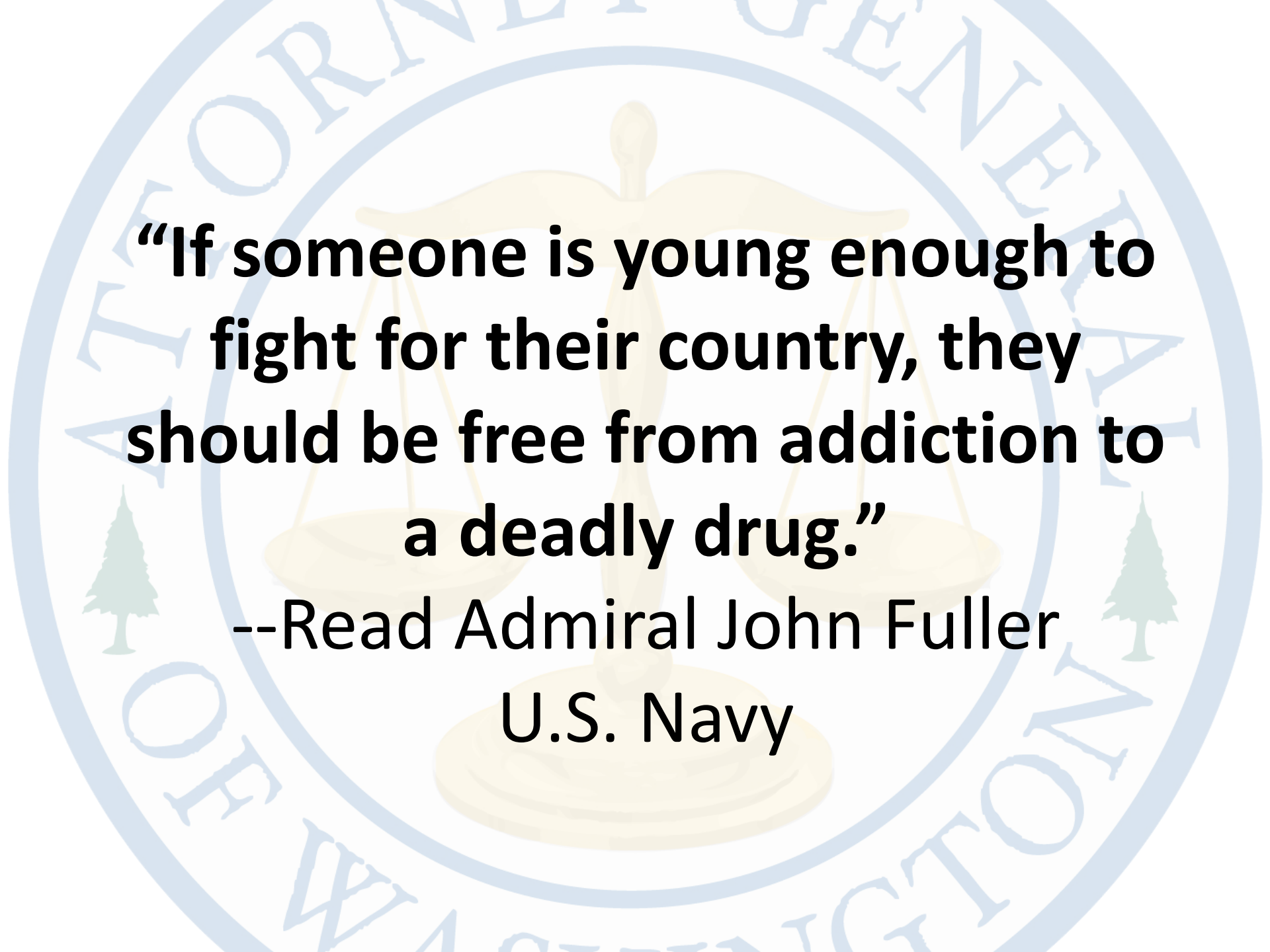
Issue Two

The “Military” Issue



“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
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

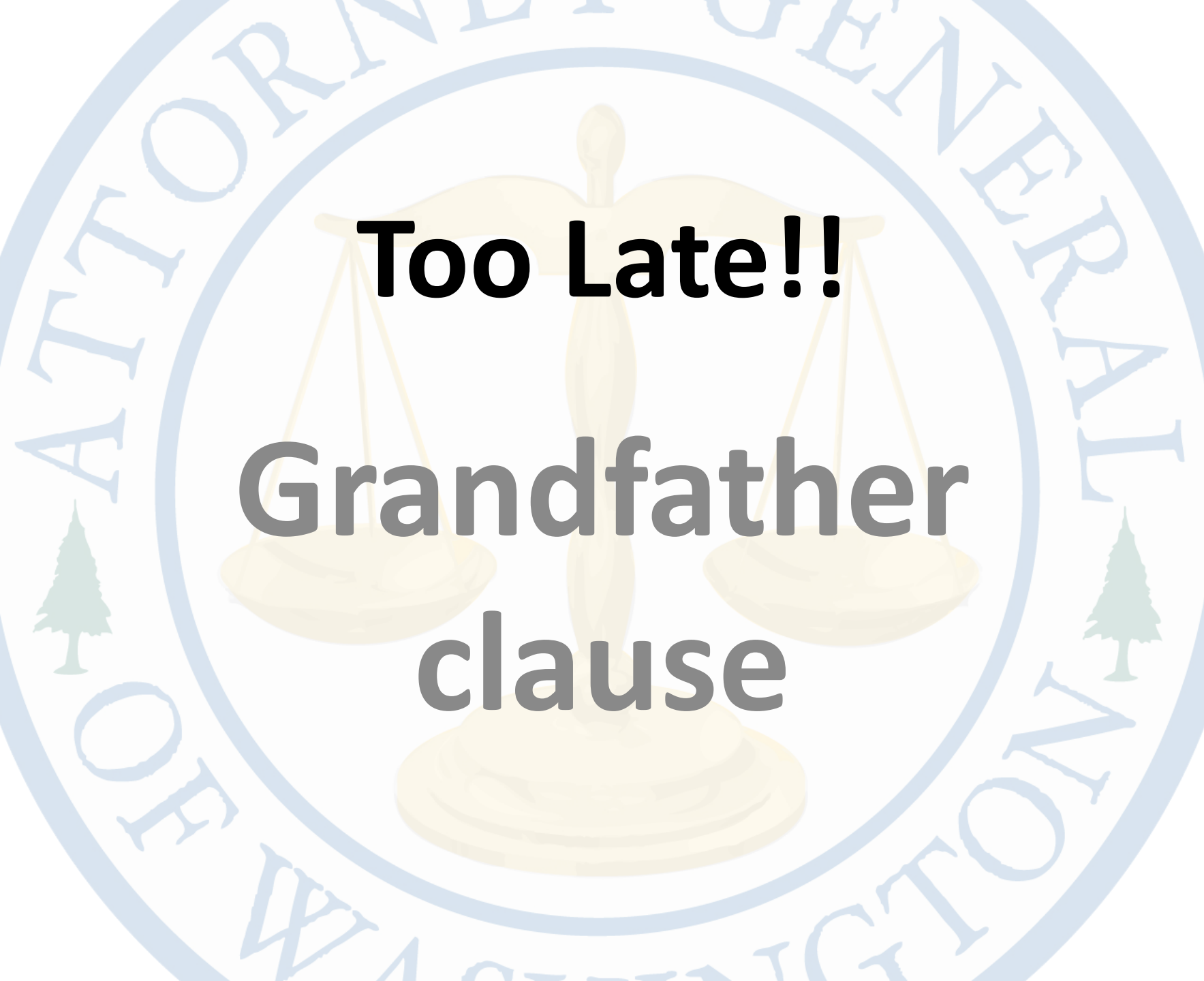
Too Late! I can

already

smoke!

A golden scale of justice is centered in the background. It features a central column with a figure holding a sword, and two pans hanging from a horizontal beam. The scale is set on a tiered base.

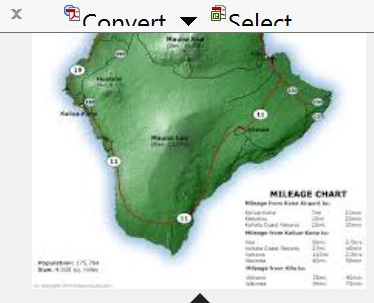
Too Late!!
**Grandfather
clause**





Too Late!!

**Delayed
implementation
date**



Big Island of Hawaii



Big Is
www.haw
Big Island

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Related i



A golden scale of justice is centered in the background. It features a central column with a bird-like figure at the top, from which two pans hang. The scale is set on a tiered circular base.

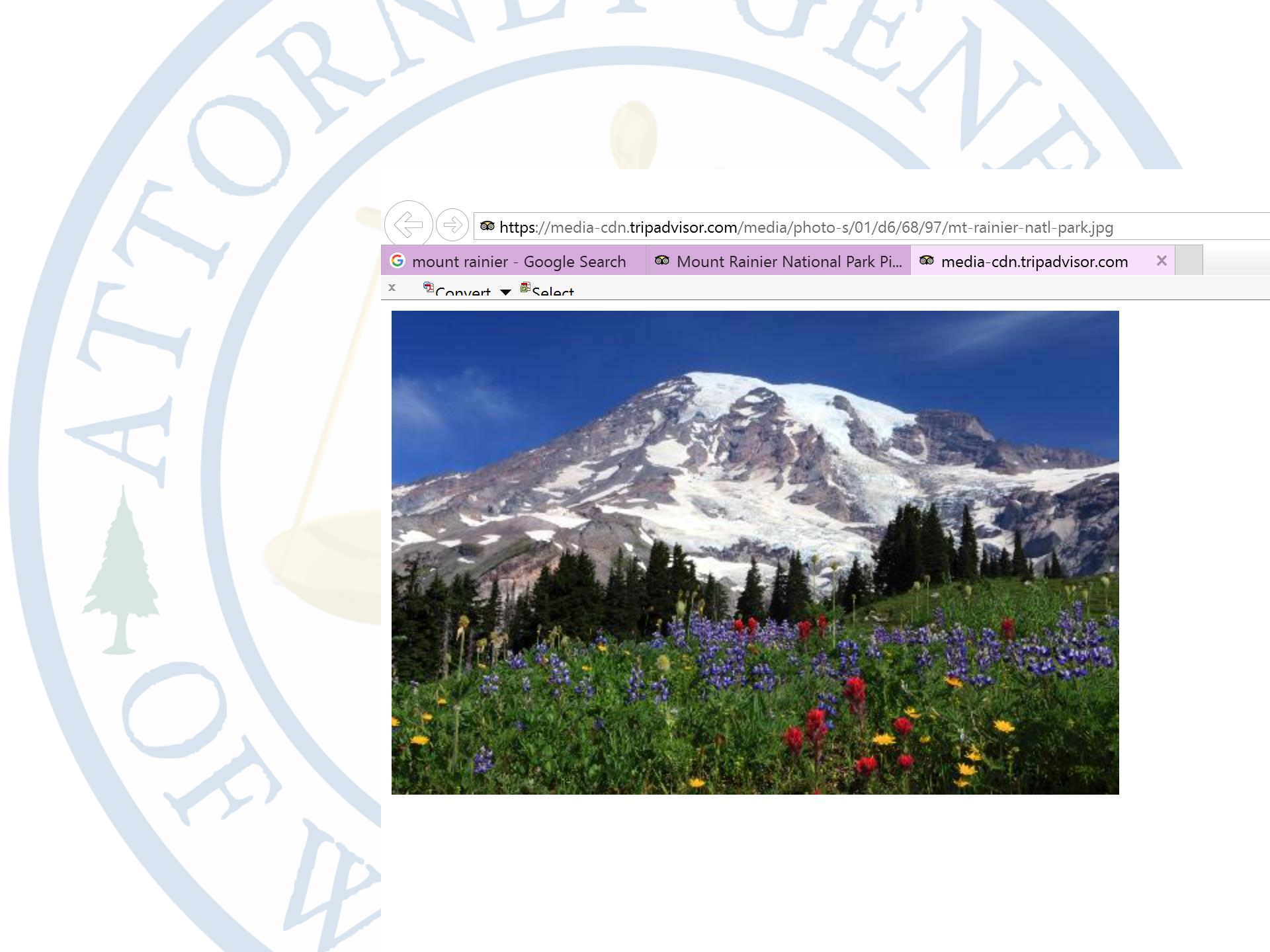
ISSUE FOUR



Issue 4



**Filthy
Lucre**



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mount rainier - Google Search Mount Rainier National Park Pi... media-cdn.tripadvisor.com

Convert Select



The background features a large, light blue circular seal of the Washington State Legislature. In the center of the seal is a golden scale of justice. The seal's border contains the text "SEAL OF THE WASHINGTON LEGISLATURE" in a serif font. Two green evergreen trees are positioned on either side of the scale.

“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 background features a large, light blue circular seal of the Attorney General of Washington. The seal contains a central figure of a golden scale of justice, flanked by two green evergreen trees. The text "ATTORNEY GENERAL" is written in a circular path at the top, and "WASHINGTON" is written at the bottom.

**“The Legislature just balanced
their budget on the backs of
teenage smokers.”**

-- Attorney General Bob Ferguson



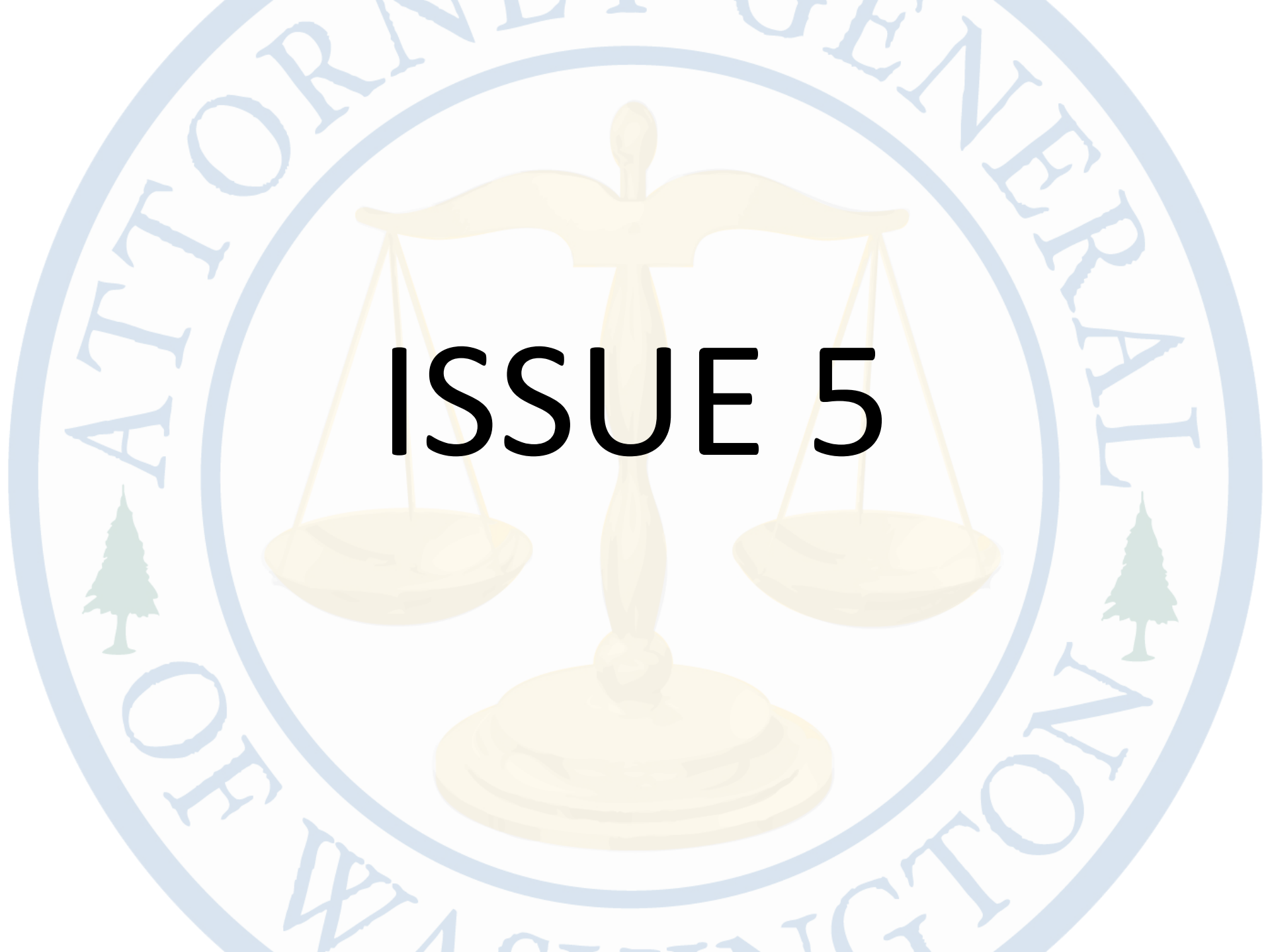
Issue 4: Filthy Lucre

Washington

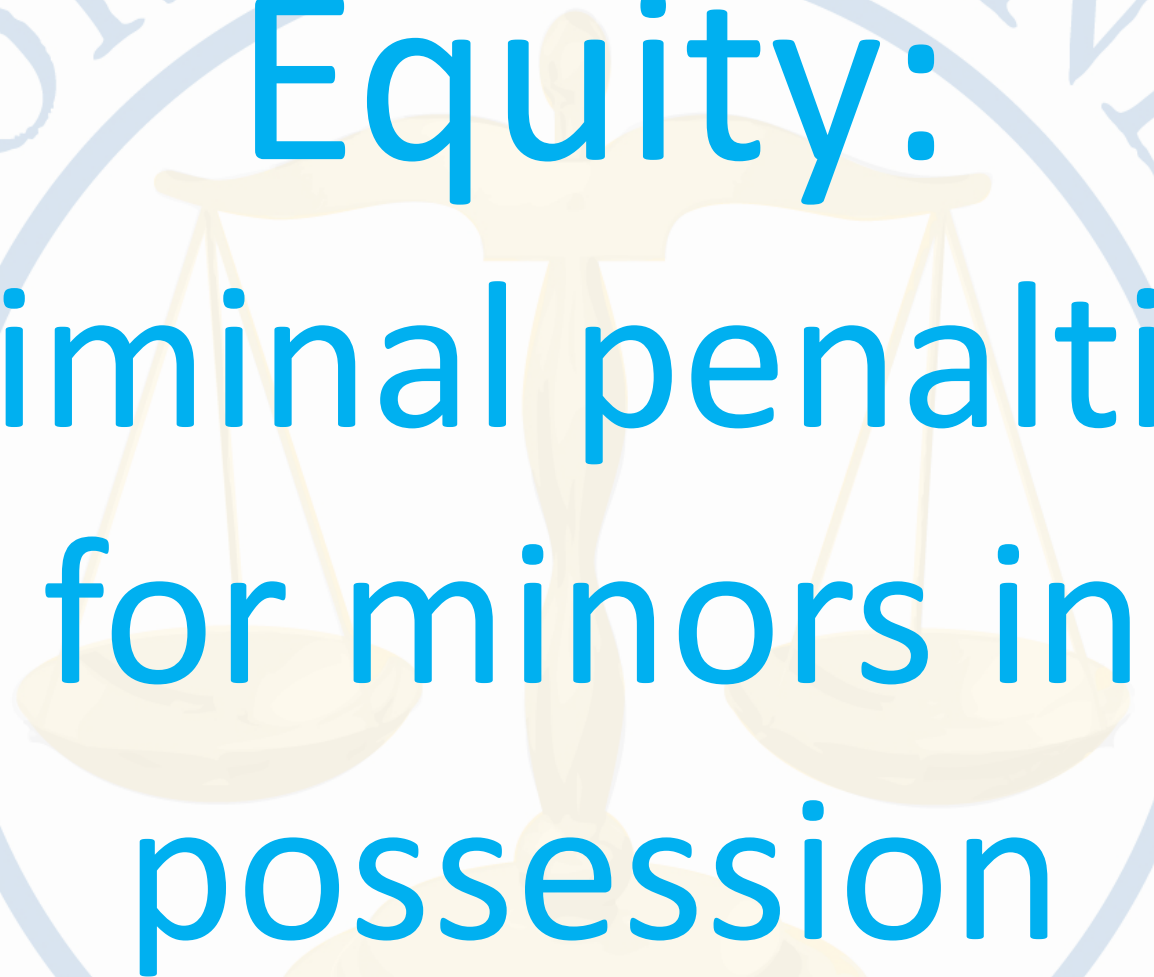
Hawaii

California

Guam

The background features a large, light blue circular seal. The outer ring of the seal contains the text "ATTORNEY GENERAL" at the top and "OF WASHINGTON" at the bottom, separated by two green evergreen trees. In the center of the seal is a golden scale of justice, held by a figure with wings. The text "ISSUE 5" is centered over the scale.

ISSUE 5

A golden scale of justice is centered in the background, symbolizing equity and fairness. The scale is set against a light blue circular background that contains faint, repeating text from the University of Toronto seal: "AT TORONTO UNIVERSITY" at the top and "UNIVERSITY OF TORONTO" at the bottom. Two green evergreen trees are positioned on either side of the scale's base.

Equity:
criminal penalties
for minors in
possession



**C. How Hawaii
Did It**

A golden scale of justice is centered in the background. It features a figure holding a beam with two pans hanging from it. The scale is set on a tiered base. The entire scene is overlaid on a large, light blue circular seal of the Attorney General of the State of Hawaii, which contains the text 'ATTORNEY GENERAL' and 'STATE OF HAWAII' around the perimeter, and two small green pine trees on the left and right sides.

How Hawaii Did It

Coalition for a Tobacco Free Hawaii

Youth Youth Youth Youth Youth

Equity

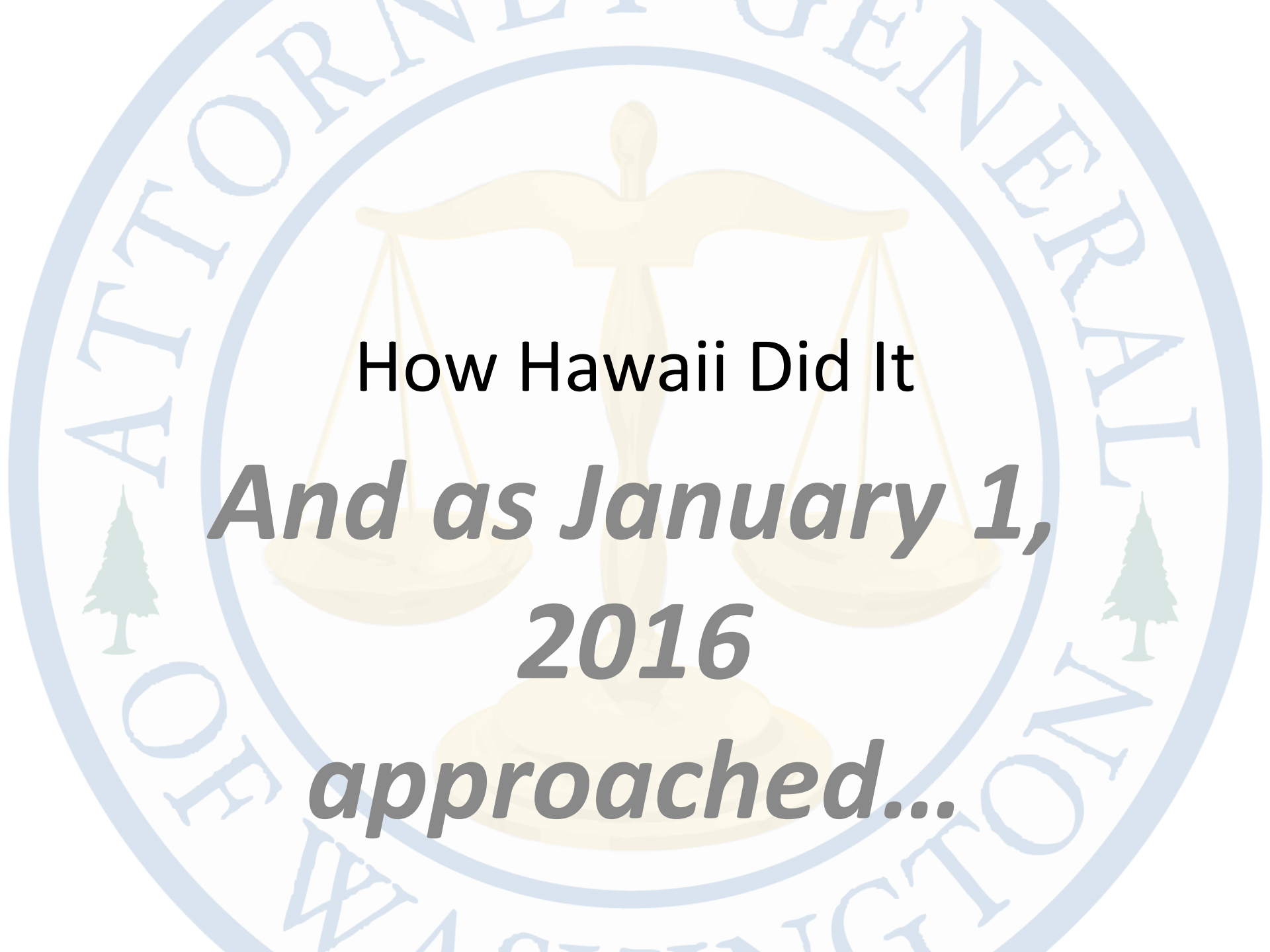
Military

Nanny State



How Hawaii Did It

**The Institute of
Medicine Study**

The background features the official seal of the Office of the Attorney General of Hawaii. It is a circular emblem with a light blue border containing the text "OFFICE OF THE ATTORNEY GENERAL HAWAII" in a serif font. Inside the circle, a golden figure of Lady Justice stands with her arms outstretched, holding a pair of scales. Two green pine trees are positioned on either side of the scales. The text is centered over the seal.

How Hawaii Did It
*And as January 1,
2016
approached...*



**MANPOWER AND
RESERVE AFFAIRS**

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, DC 20301-1500

December 28, 2015

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

Stakeholder Engagement

WASHINGTON 21
RAISE THE TOBACCO AGE

[ABOUT](#) [GET THE FACTS](#) [IN THE NEWS](#) [PARTNERS](#) [TAKE ACTION](#)



**95% of Adult Smokers
Start Before Age 21**

[GET THE FACTS](#)



Stakeholder Engage

- 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.

Community and Health Organizations Support *Tobacco 21 for Washington*



Stakeholder Engagement

CITY COUNCIL OF _____ / ____ BOARD OF HEALTH
RESOLUTION SUPPORTING RAISING THE LEGAL SALES AGE FOR TOBACCO
& VAPOR PRODUCTS FROM 18 TO 21

WHEREAS tobacco use remains the leading cause of preventable death in the United States, killing more than 8300 Washingtonians each year—more than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined—and causing cancer, heart disease, and respiratory diseases, among other health disorders, that add an estimated \$2.81 billion in annual health care costs in Washington alone;

WHEREAS, in 2014, the number of Washington 10th graders using either cigarettes, smokeless tobacco, or electronic cigarettes was 20 out of 100;

WHEREAS in 2015 the Institute of Medicine (IOM) concluded that raising the legal sales age for tobacco products to 21 would reduce tobacco initiation among youth, especially those aged 15-17, improve health across the lifespan, and save lives;

WHEREAS, the IOM projected that if the legal sales age for tobacco products were raised to 21 nationwide, there would be approximately 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for persons born in the US between 2000 and 2010, and result in near immediate reductions

- 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



Tobacco 21

