



# TOBACCO

## ~~eighteen~~ twenty-one

“Raising the legal minimum age for cigarette purchase to 21 could gut our key young adult market (17-20).”

—Phillip Morris Executive





# The Problem



- 95% of current smokers started before the age of 21
- Having the first cigarette by age 18 makes it twice as likely to become a lifelong smoker
- 1 in 5 retailers sold to an underage youth
- The average age of initiation of tobacco is 13 years old



# THE PROBLEM

*Juuling has developed into an epidemic and the long-term effects of the product are proving to be unsafe*

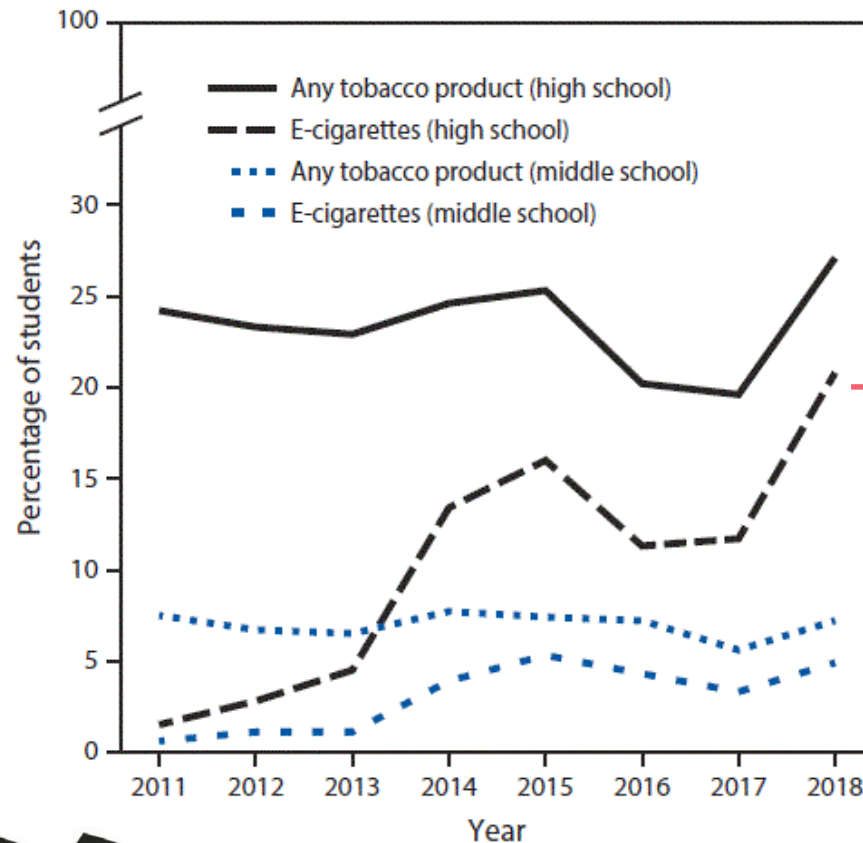
## Key Findings:

### 2018 National Youth Tobacco Survey

- **78% increase** in e-cigarette use among high school students between 2017 and 2018.
- **48% increase** in e-cigarette use among middle school students between 2017 and 2018.
- E-cigarette use surge led to uptick in overall tobacco use, **reverses previous declines.**



**noun** a widespread occurrence of something in a community at a particular time.



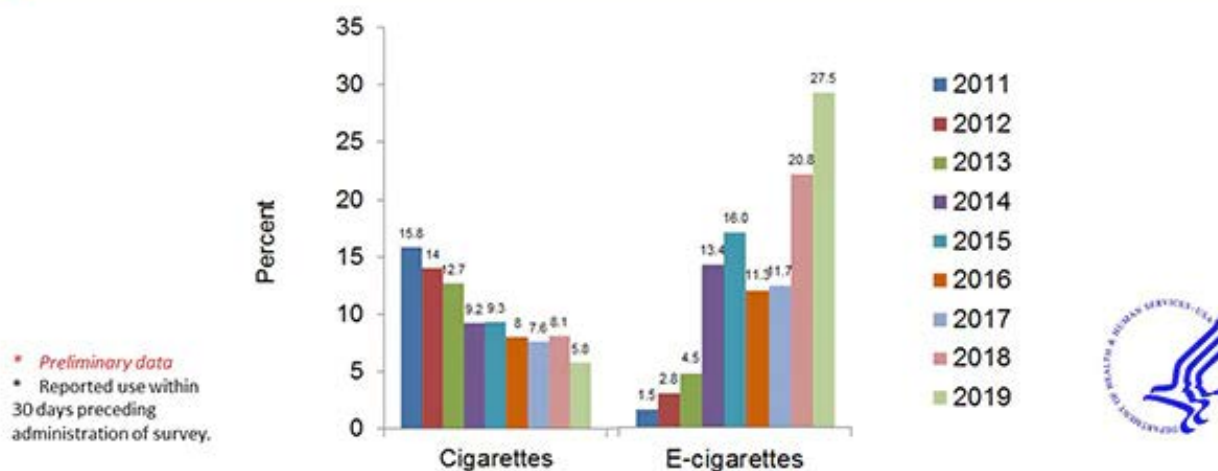
20.8% - 3.05 million students using e-cigarettes in 2018



# 2019 National Youth Tobacco Survey

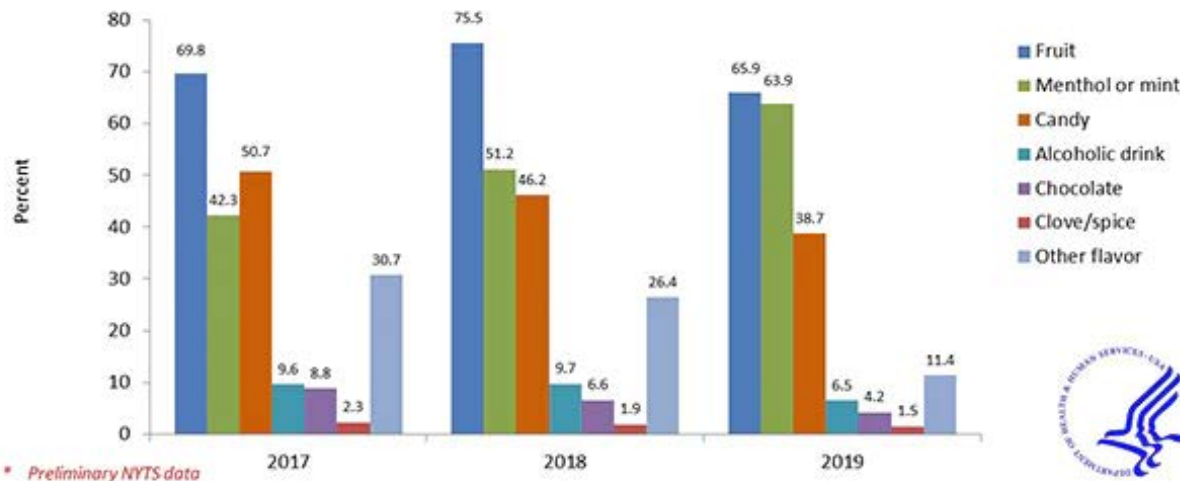
The preliminary data show that more than a quarter of high school students were current (past 30 day) e-cigarette users in 2019 and the overwhelming majority of youth e-cigarette users cited the use of popular fruit and menthol or mint flavors.

## NATIONAL YOUTH TOBACCO SURVEY\*: YOUTH USE OF E-CIGARETTES CONTINUES TO CLIMB

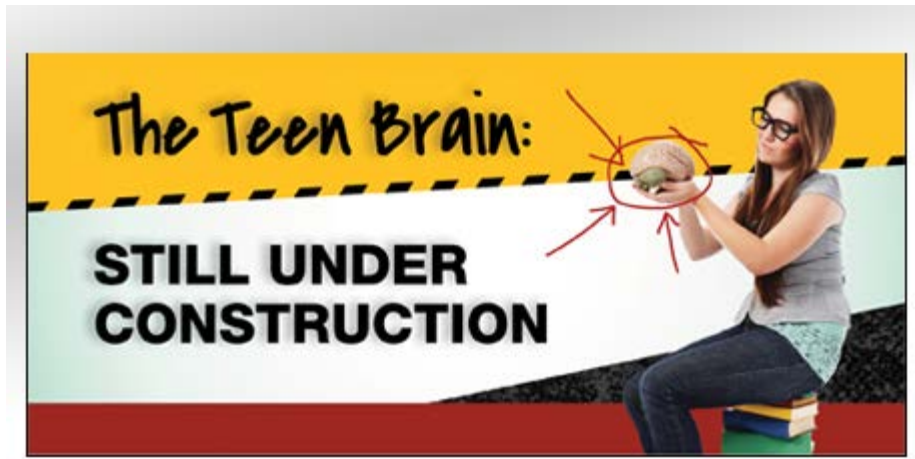


# 2019 National Youth Tobacco Survey

## FLAVORS POPULAR AMONG HIGH SCHOOL USERS OF E-CIGARETTES\*



# Nicotine Addiction and Youth



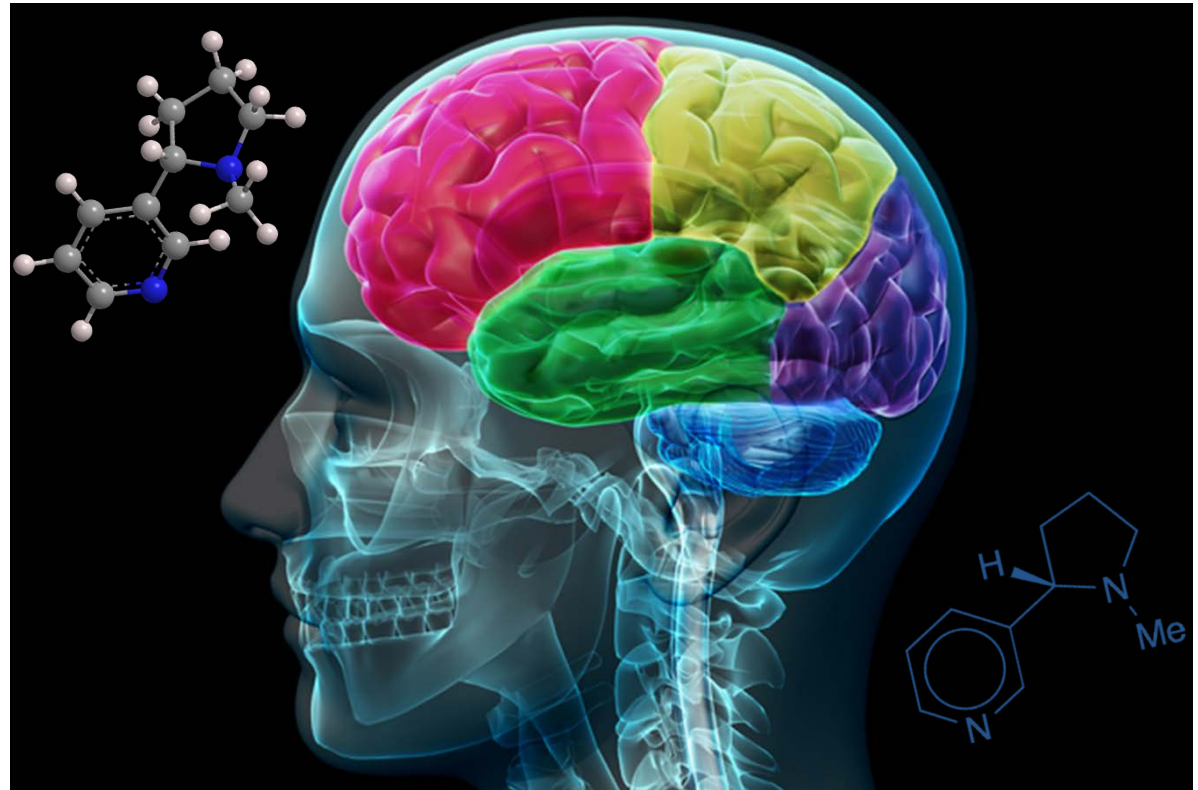
- Brain development continues until mid-20s
  - Decision making
  - Impulse control
  - Sensation seeking
  - Peer Pressure
- Adolescent brains are uniquely vulnerable to addiction
- Nicotine harms the developing brain





# Nicotine in the Brain

- Drug
- Stimulant
- Highly Addictive
- Causes changes in brain chemistry
- Found in tobacco products

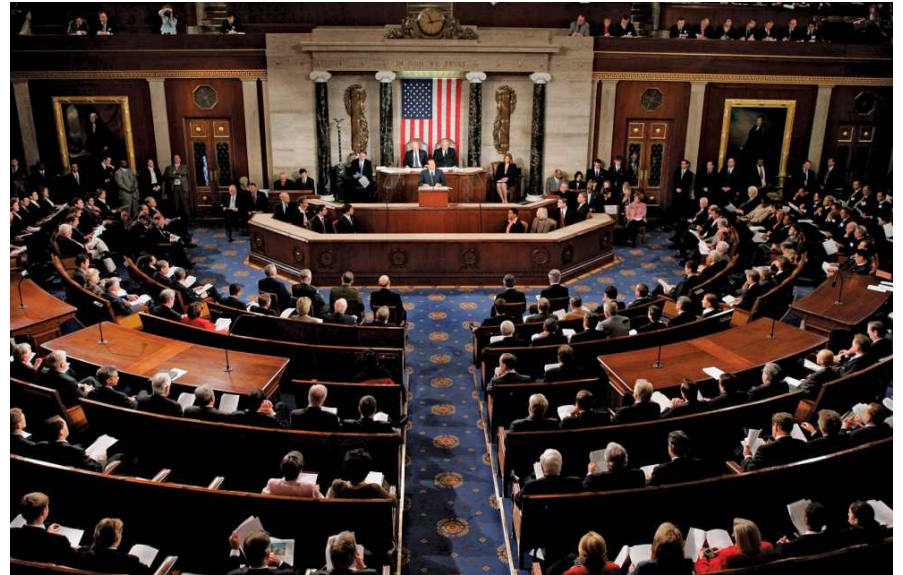




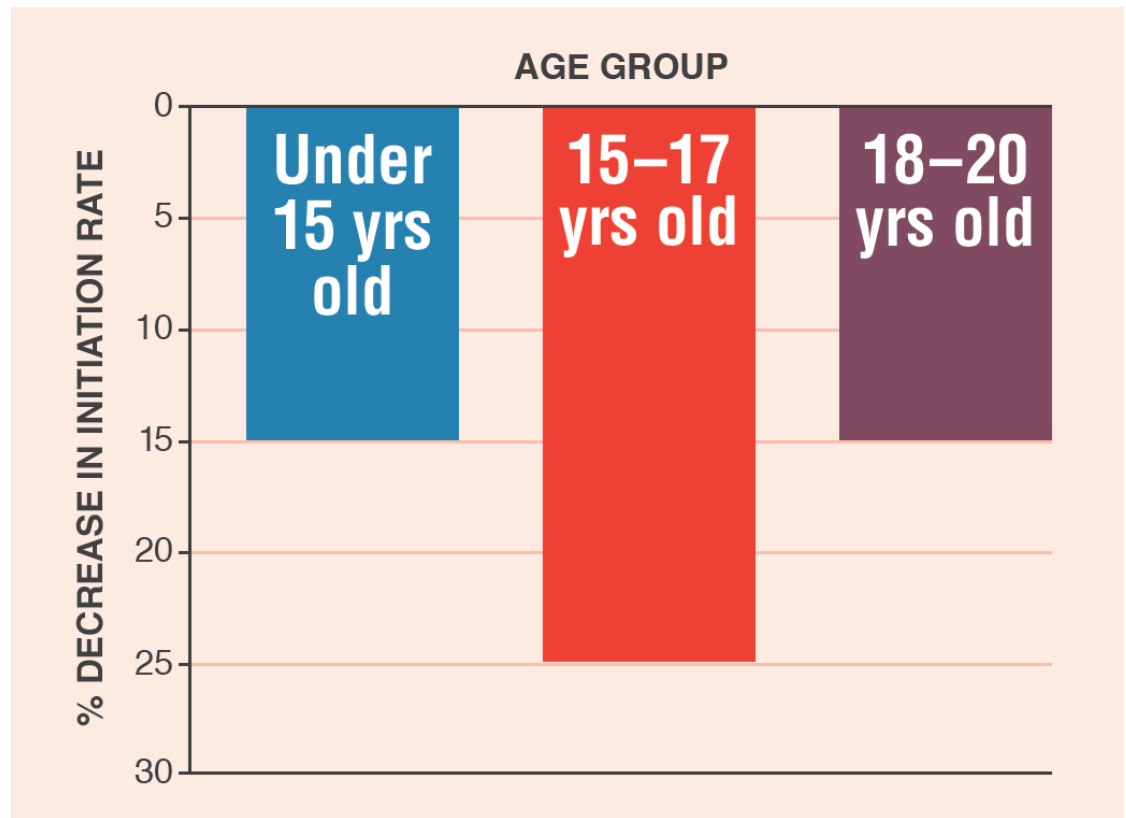
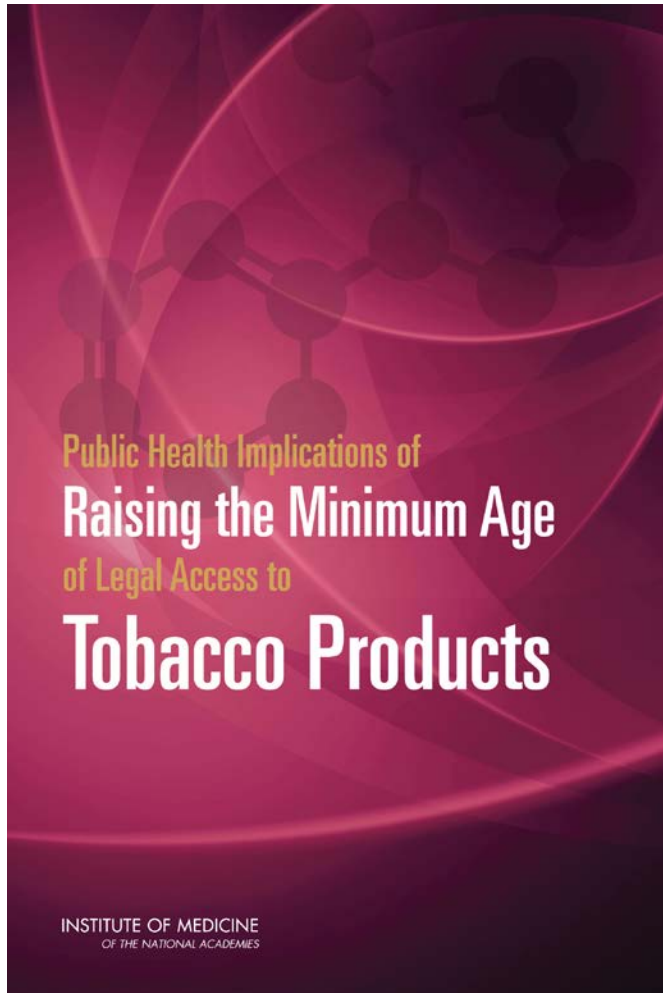
# The Solution

## 2009 Family Smoking Prevention & Tobacco Control Act

- Set a federal minimum age at 18 and gave states authority to have stronger regulations
- Called for a study on the implications of raising the minimum sale age



# Policy Impact on Initiation

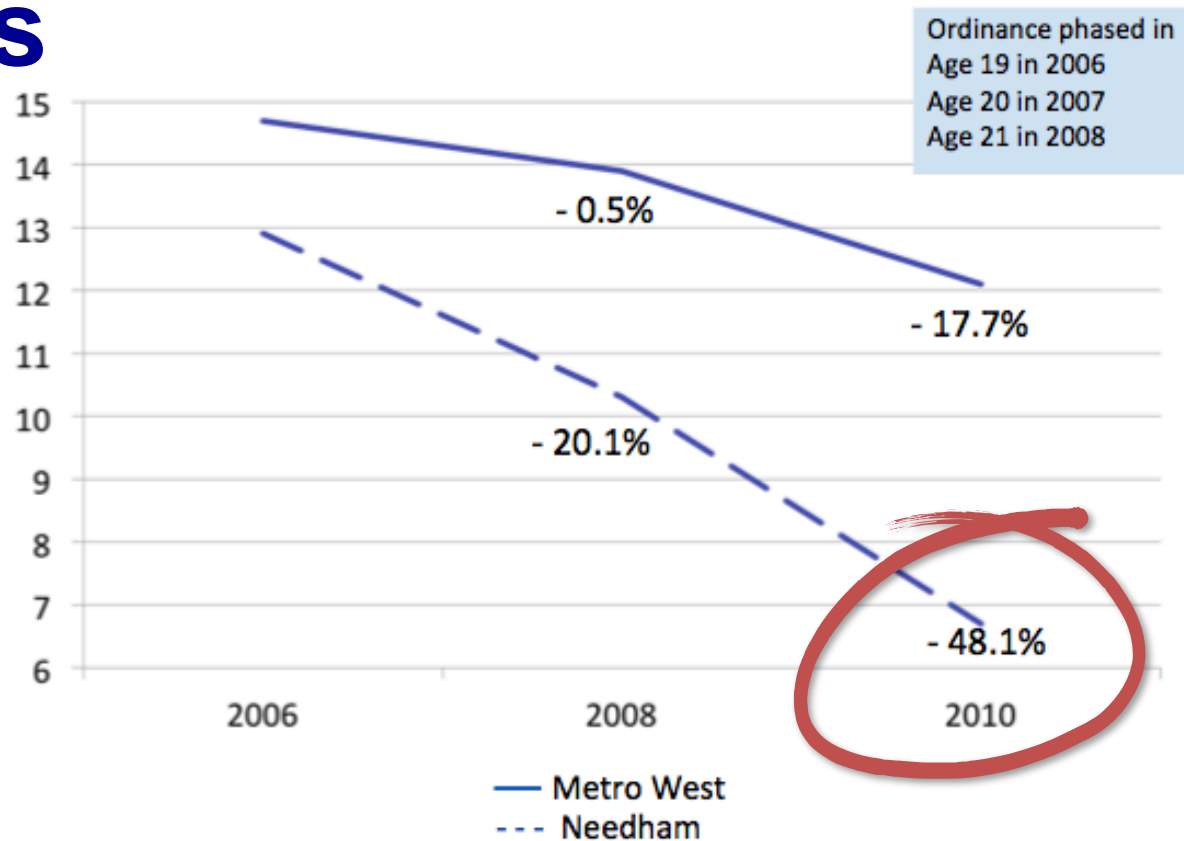


# Needham Case History



- Surrounded by cities in West-Metro Boston
- Youth can literally walk across the street and be in another city

# Needham High School Smoking Rates





# Changing the Trend



Loss of Social Sources to Tobacco

*“Tobacco 21 works by putting the legal purchasers outside the social circles of most high school students, making it more difficult for 15 to 17 year-olds to pass as legal purchasers or have legal purchasers as a friend.”*

*Rob Crane, MD  
President  
Preventing Tobacco Addiction Foundation*



# “Tobacco 21 – An Idea Whose Time Has Come”

Winickoff, J. et al, 2014.



# 500+ Cities & Counties in **30** States



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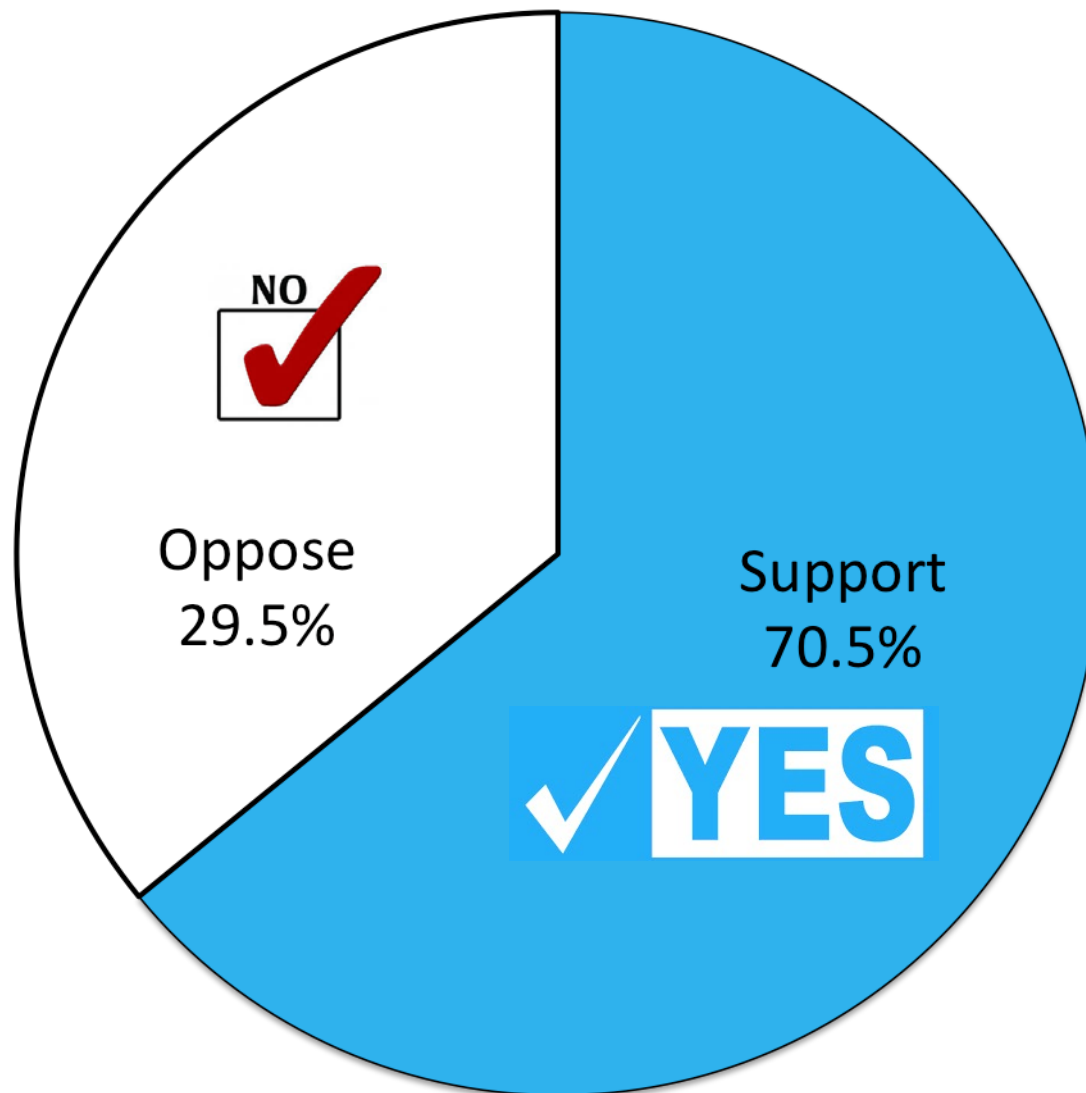
# Current Findings

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- Chicago reported a 36% decrease in cigarette and e-cigarette use rates among 18 – 20 year-olds, from 15.2% in 2016 to 9.7% in 2017.
- In California, statewide retailer violation rates to under 18 year-olds decreased from 10.3% to 5.9% after implementation of T21
- In Oregon, recent initiation rates dropped statewide from 34% to 25% in 13-17 year-olds and from 23-18% in 18-20 year-olds within two years of T21.

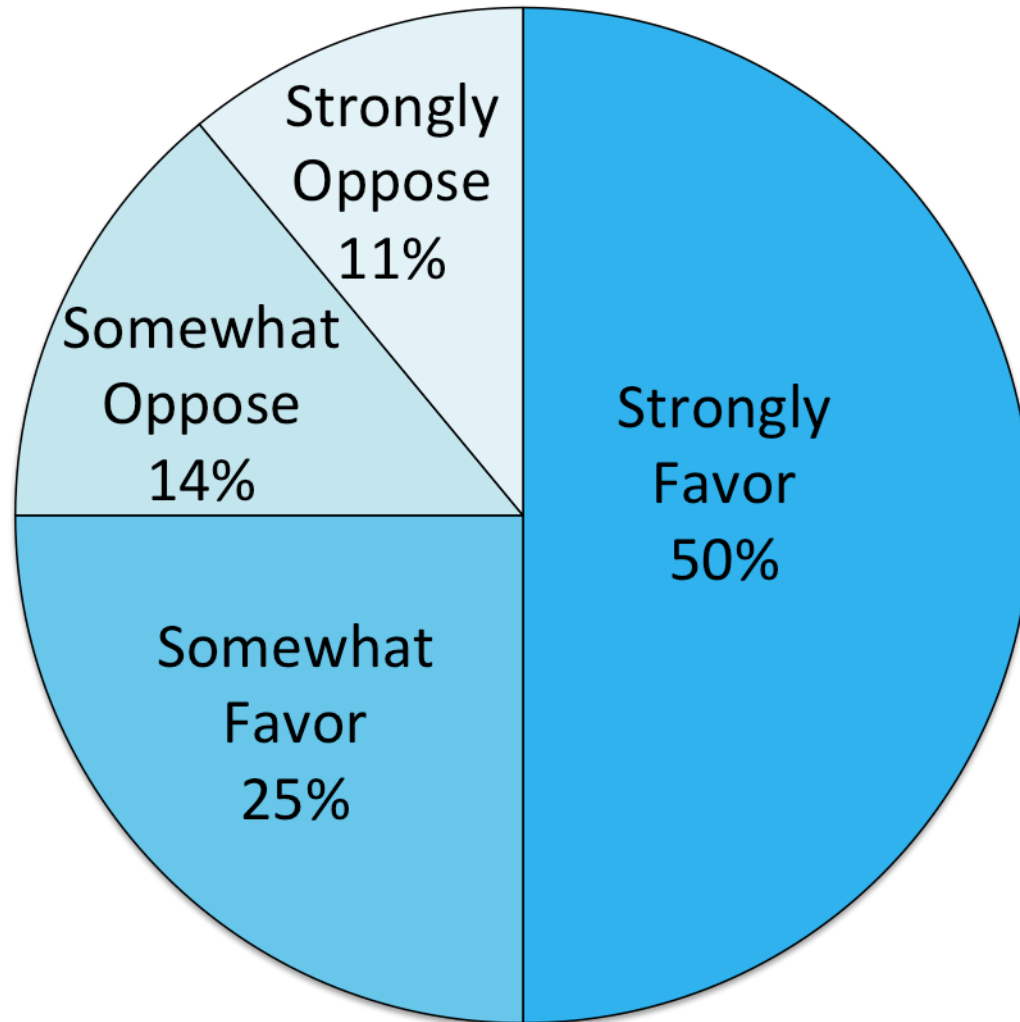


**“The age to buy tobacco should be raised to 21.”**

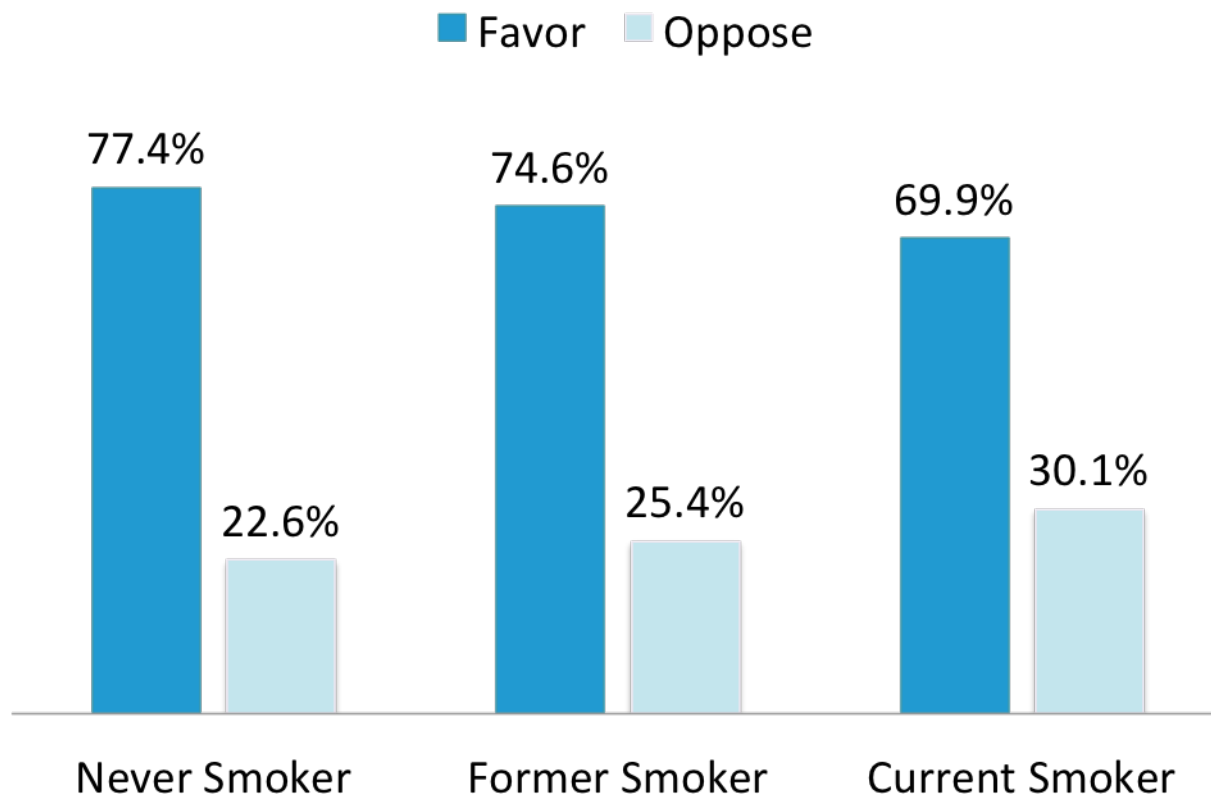





**“Do you favor or oppose raising the legal minimum age to purchase all tobacco products from 18 to 21?”**

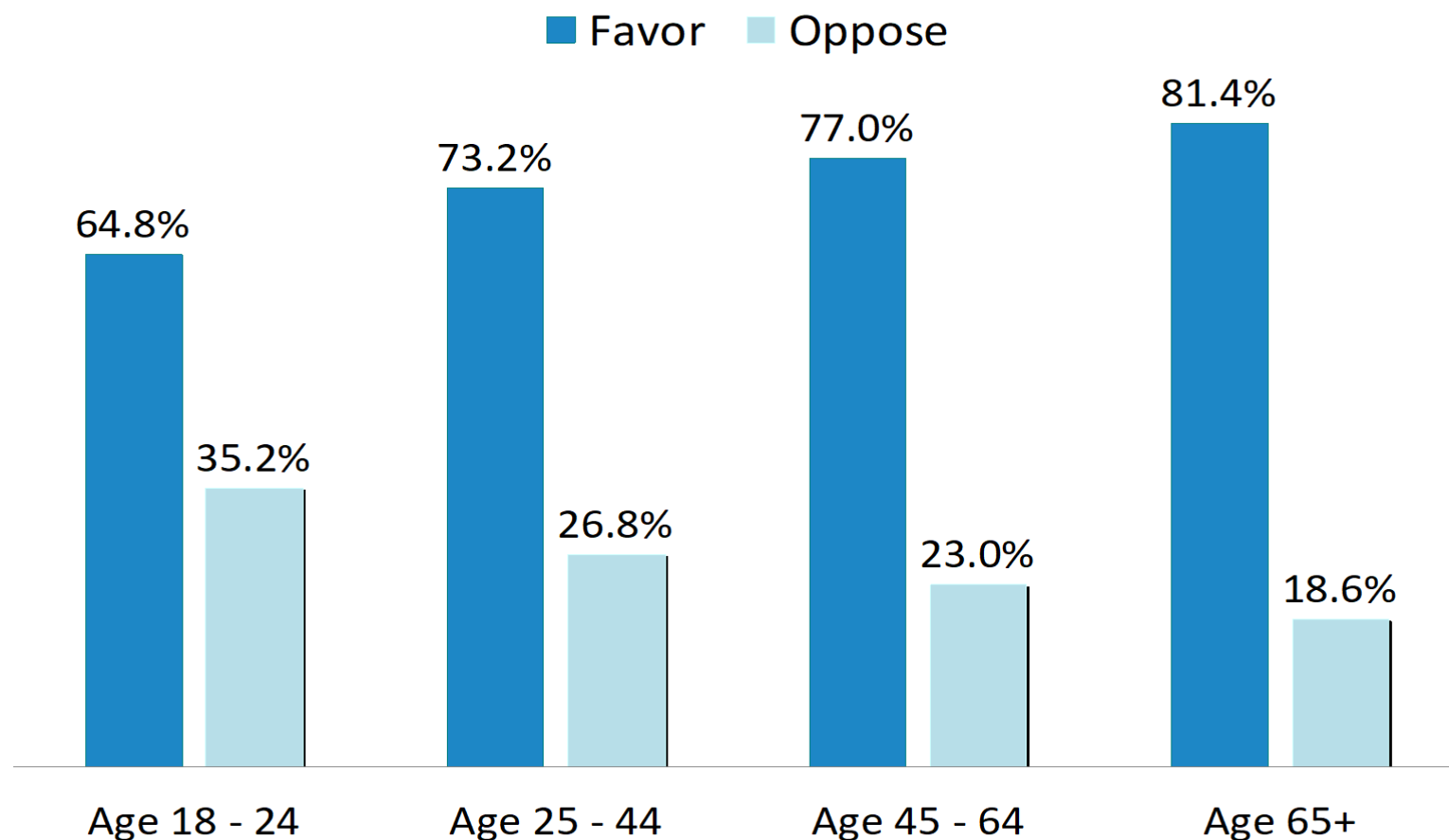


# Favorability toward Raising the Legal Minimum Sales Age





# Favorability toward Raising the Legal Minimum Sales Age





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## Total Annual Excess Cost of a Smoker to a Private Employer

	Estimate
Excess Absenteeism	\$517
Presenteeism	\$462
Smoke Breaks	\$3,077
Excess Health Care Costs	\$2,056
Pension Benefit (if provided)	(\$296)
<b>Total Costs</b>	<b>\$5,816</b>



# Opposition

- Most common argument against Tobacco21

“Old enough to fight for our country and  
old enough to vote ...

... then old enough to buy tobacco”



# Opposition



**John** @vaping4lifer · 9h

.@ksdknews don't get left out at the @Tobacco21 attack on #ecigs st louis county council vote 6p.m. bring camera's



2



2



# Flavors Hook Kids

**THIS IS NOT  
HOT SAUCE.**



What is it?



2018 California Department of Public Health  
[www.flavorhookkids.org](http://www.flavorhookkids.org)

# Flavors Hook Kids

**THIS IS NOT  
ICE CREAM.**



What is it?



2018 California Department of Public Health  
[www.flavorshookkids.org](http://www.flavorshookkids.org)

# Flavors Hook Kids

**THIS IS NOT  
APPLE JUICE.**



**What is it?**



2018 California Department of Public Health  
[www.flavorshookkids.org](http://www.flavorshookkids.org)

# Flavors Hook Kids

**THIS IS NOT  
WHIPPED  
CREAM.**



**What is it?**



2018 California Department of Public Health  
[www.flavorshookkids.org](http://www.flavorshookkids.org)

# Flavors Hook Kids

**THIS IS NOT  
A FLASH DRIVE.**



What is it?

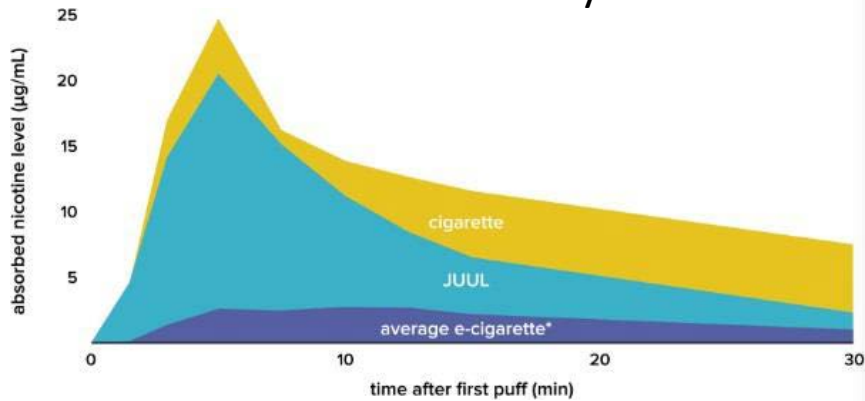


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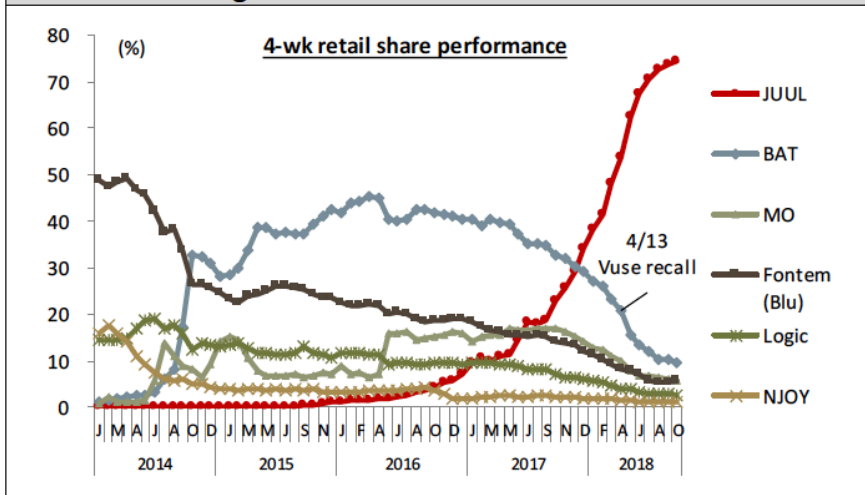
# JUUL

## Nicotine Delivery



## Market Growth

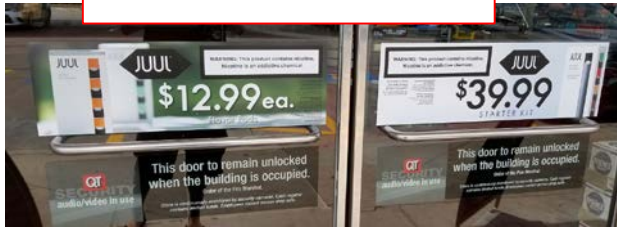
### E-Cig 4-wk Share Performance Overall





# Tobacco Companies Target Youth

Point of Sale



Social media



Internships

Parties & Bar Nights



All too familiar imagery



Magazine Ads



# E-cigarettes

## Percentage of products that contain nicotine:

- 99.0% of disposable e-cigarettes
- 99.7% of rechargeable e-cigarettes
- 98.8% of refill sales

## Percentage that contained nicotine by product type:

- 99.0% of all e-cigarettes products
- 98.7% of flavored e-cigarettes
- 99.4% of nonflavored e-cigarette products

### RESEARCH AND PRACTICE

## Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015

Kristy L. Marynak, MPP, Doris G. Gammon, MS, Todd Ragan, PhD, Ellen M. Coats, MS, Tahir Singh, MD, PhD, and Brian A. King, PhD, MPH

**Objectives:** To assess the proportion of electronic cigarette (e-cigarette) products sold in the United States that contain nicotine according to retail scanner data.

**Methods:** We obtained unit sales data from January 11, 2015, to December 12, 2015, from The Nielsen Company for convenience stores; supermarkets; mass merchandisers; drug, club, and dollar stores; and Department of Defense commissaries. The data did not include purchases from tobacco specialty shops, "vape shops," or online sources. Nicotine content was assessed by product type (disposables, rechargeables, and refills), region, and flavor status based on nicotine strength listed in the Universal Product Codes. For the 36.7% of entries lacking nicotine content information, we conducted internet searches by brand, product, and flavor.

**Results:** In 2015, 99.0% of e-cigarette products sold contained nicotine, including 99.0% of disposables, 99.7% of rechargeables, and 98.8% of refills. Overall, 98.7% of flavored e-cigarette products and 99.4% of nonflavored e-cigarette products contained nicotine.

**Conclusions:** In 2015, almost all e-cigarette products sold in US convenience stores and other assessed channels contained nicotine.

**Public Health Implications:** Findings reinforce the importance of warning labels for nicotine-containing products, ingredient reporting, and restrictions on sales to minors. (*Am J Public Health*. Published online ahead of print March 21, 2017; e1–e4. doi:10.2195/AJPH.2017.303660)

**E**lectronic cigarettes (e-cigarettes) are devices capable of delivering aerosolized nicotine, flavorings, and other substances to the user. E-cigarettes were the most commonly used tobacco product among US youths in 2015 and are more commonly used among high school students and young adults aged 18 to 24 years than among adults older than 25 years.<sup>1–4</sup> Youth use of e-cigarettes is a public health concern because nicotine

(e-liquid) flavor and nicotine concentrations, including zero nicotine.

Demand for nicotine-containing e-cigarette products relative to zero-nicotine products is currently unknown but is of public health importance given the consequences of nicotine exposure for young people.<sup>1,5</sup> More than 80% of 266 e-cigarette brands analyzed in 2014 offered zero-nicotine varieties,<sup>6</sup> and studies of self-reported use of e-cigarettes

self-reported information on nicotine content may be susceptible to bias, especially among youths. To address this gap, we used retail sales data from 2015 to assess unit sales of nicotine-containing e-cigarettes.

### METHODS

In 4-week aggregate periods from January 11, 2015, to December 12, 2015, we acquired nationally representative Universal Product Code (UPC) data on unit sales of e-cigarettes from The Nielsen Company (Nielsen) for convenience stores; supermarkets; mass merchandisers; drug, club, and dollar stores; and Department of Defense commissaries. Nielsen collects information when a product's UPC is scanned at checkout, which includes detailed characteristics of text on the product packaging, such as brand, subbrand, flavor, nicotine content (if any), type of device, and quantity per package.

We categorized e-cigarette products into 3 mutually exclusive types: (1) disposables, (2) starter kits or rechargeable devices ("rechargeables"), and (3) refills, including prefilled cartridges and cartomizers, and e-liquid bottles ("e-liquids"). The analysis excluded accessories that do not contain e-liquid.

### Nicotine Content

Each product was classified into 3 mutually

# Tobacco 21: Model Policy



April 12, 2019







# Tobacco 21: Model Policy

## Strong Minimum Legal Sale Age (MLSA) Policy Components:

- ✓ Definition of Tobacco Products, including e-cigarettes
- ✓ Setting the SALE age at 21
- ✓ Age Verification
- ✓ Signage
- ✓ Enforcement
  - Tobacco Retail License (fee to cover cost)
  - Health Department
  - Systematic Compliance Checks of All Retailers
- ✓ Penalty on Retailer/Owner (not on clerk)
  - Civil Fine Minimum of \$500, graduated, ability to suspend or revoke license for repeat violations
- ✓ No penalty on Youth for Purchase, Use or Possession
- ✓ Education of Retailers



# PUP in Smoke

Why Youth Tobacco Possession and Use Penalties  
Are Ineffective and Inequitable



Laws prohibiting the possession, use, and purchase of tobacco products by minors — also known as *PUP laws* — are ineffective as deterrents to youth smoking and

## What Are PUP Laws?

The early 1990s saw a large increase in laws prohibiting the possession, use, and purchase of tobacco products by minors — also known as *PUP laws*. In 1988, only 6 states prohibited possession of cigarettes by minors. By 1995, that number had tripled, and by 2001, 32 states prohibited youth possession.<sup>1</sup> The numbers and trends are similar for youth use and purchase prohibitions. Today, all 50 states and the District of Columbia have laws restricting the sale of tobacco to minors, and all but 7<sup>2</sup> also have PUP laws.<sup>3</sup>



# TOBACCO

## ~~eighteen~~ **twenty-one**

### North Dakota Lives Saved

## Calculator

Population of North Dakota	760,777
# people turning 18 each year <sup>1</sup>	9,932
New 18 year-old smokers each year without T21 <sup>2</sup>	3,352
New 18 year-old smokers each year with T21 <sup>3</sup>	2,514
# of new 18 year-old smokers prevented each year with T21 <sup>3</sup>	670
# of lives saved each year from T21 law <sup>4</sup>	279
<b>Estimated # of kids alive today in North Dakota that will be saved by the enactment of Tobacco 21</b>	<b>5,024</b>

<sup>1</sup> Based on US Census Data of 1.3% of population turns 18 each year

<sup>2</sup> ND smoking rates for high school 12<sup>th</sup>-graders from 2017 YRBS

<sup>3</sup> IOM reports a T21 policy would reduce initiation by 25% in age demographic

<sup>4</sup> Assumes 41.7% of new smokers will eventually die of smoking-related causes, as per WHO and Surgeon General estimates



August 7, 2018

City of Tucson  
Attn: City Councilman Paul Durham, Ward 3  
1510 East Grant Road  
Tucson, AZ 85719  
Paul.durham@tucsonaz.gov

Dear Councilman Durham,

I am writing today in support of your proposed legislation to raise the minimum purchasing age to buy tobacco products. At JUUL Labs, the maker of a leading vapor product in the U.S., our mission is simple: eliminate cigarette smoking, which remains the world's number one source of preventable death worldwide.

While JUUL has helped more than one million adult smokers switch from combustible cigarettes, we also recognize our duty to prevent underage individuals from accessing our product. In our commitment to reduce underage use, we support your efforts to raise the purchasing age from 18 to 21. In fact, we raised the purchasing age to 21 on our e-commerce site last year. We also announced our support of state and federal efforts to raise the legal age of purchase for tobacco products to 21.

We do not want teens or any other non-nicotine users to ever use our product. That's why we are committed to partnering with lawmakers, FDA, social media firms, e-commerce marketplaces and law enforcement agencies to help keep JUUL out of the hands of underage people. We want to be part of the solution in helping to prevent the younger generation from trying JUUL, and we support your efforts.

Best,  
  
for and on behalf of  
Ashley Gould  
Chief Administrative Officer  
JUUL Labs





## Policy Status

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“Think Strategically,  
Act Locally”

In 2019, so far

- Statewide policy movement
  - 12 states passed this year, 18 total
- Local policy movement
  - 83 cities and counties, 501 total

Looking forward to 2020

- Federal, state and local

# Federal Senate “To Lower Health Care Costs Act”

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Alexander/Murray

Calendar No. 133

116TH CONGRESS  
1ST SESSION

**S. 1895**

To lower health care costs.

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IN THE SENATE OF THE UNITED STATES

JUNE 19, 2019

Mr. ALEXANDER (for himself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JULY 8, 2019

Reported by Mr. ALEXANDER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

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**A BILL**

To lower health care costs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

# TOBACCO

~~eighteen~~ **twenty-one**



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

*RJ Reynolds, “Estimated Change in Industry Trend Following Federal Excise Tax Increase,”  
September 10, 1982*



# TOBACCO

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[www.tobacco21.org](http://www.tobacco21.org)

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Western Regional Director

[Ginny.Chadwick@tobacco21.org](mailto:Ginny.Chadwick@tobacco21.org)



PREVENTING TOBACCO ADDICTION FOUNDATION