



TO: Senate Finance Sub Committee on Health and Medicaid

FROM: Ken Fletcher, Director of Advocacy

DATE: May 16, 2019

RE: Tobacco 21 Language in HB 166

Chair Hackett, Ranking Member Thomas and members of the subcommittee, I am Ken Fletcher, Director for Advocacy for the American Lung Association in Ohio and thank you for this opportunity to offer comments on our concerns about the effectiveness of the provisions of HB 166 to raise the legal age of sale for tobacco products to 21.

The mission of the American Lung Association is to save lives by improving lung health and preventing lung disease. While we have come a long way over the last few decades in fighting the tobacco epidemic, we still have a lot of work to do as tobacco remains the leading cause of preventable death and disease in Ohio.

About 95% of adults who smoke started by the age of 21, and over half of adult smokers become regular, daily smokers by their 18th birthday¹. In addition, 8 out of 10 adult smokers transition to regular, daily smokers by the age of 21.² A report from the National Academy of Medicine (formerly known as the Institute of Medicine (IOM)) found that raising the minimum age for legal purchase to at least 21 years old will significantly reduce smoking rates and save thousands of lives.

This policy is popular and gaining interest and support throughout the country. A Centers for Disease Control and Prevention (CDC) study found that 75 percent of adults, including 7 out of 10 adult smokers, are in favor of increase the retail sale age of tobacco products to 21.³

The need for Ohio to take action to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels due to a 78 percent increase in high school e-cigarette use from 2017 to 2018, according to results from the Centers for Disease Control and Prevention (CDC)'s 2018 National Youth Tobacco Survey.⁴

While the American Lung Association in Ohio applauds Governor DeWine's proposal to raise the minimum age of sale for tobacco products to 21 in Ohio, the proposal must include certain provisions to ensure that the law will be effective, enforced and include the products that children are using the most.. The provisions that the Lung Association supports include:

- Coverage of all tobacco products, including electronic cigarettes, which are now the most commonly used tobacco product among youth.
- Provisions to help ensure the law is enforced, such as designating an enforcement agency, requiring retailer licensing, requiring compliance checks by 18 to 20 year olds and penalties, including the possibility of license suspension and revocation after multiple violations.

- Defining e-cigarettes as tobacco products, so that all state laws limiting access to people under age 21 apply automatically.
- Eliminating or minimizing penalties for persons under age 21 for purchase or possession of tobacco products.
- No preemption of other jurisdictions from passing strong tobacco control laws

Unfortunately, the Tobacco 21 provisions in HB 166 in their current form fall short in some of these areas, including in terms of enforcement and penalties on persons under age 21.

We urge lawmakers to pass a meaningful Tobacco 21 law that will effectively reduce youth consumption of all tobacco products. The American Lung Association in Ohio looks forward to working with the legislature on amendments needed to improve this bill to make it an effective Tobacco 21 law to protect our young people from a lifelong addiction to all tobacco products, including e-cigarettes.

Thank you for the opportunity to provide comments.

Sincerely,



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¹ Substance Abuse and Mental Health Services Administration. National Survey on Drug Use and Health, 2016. Analysis by the American Lung Association Epidemiology and Statistics Unit Using SPSS Software.

² United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>

³ King, Brian A., Jama, AO, Marynak, KL, and Promoff GR, "Attitudes Toward Raising the Minimum Age of Sale for Tobacco Among U.S. Adults," *American Journal of Preventive Medicine*, 2015, <http://www.sciencedirect.com/science/article/pii/S0749379715002524>.

⁴ Gentzke AS, Creamer M, Cullen KA, et al. *Vital Signs: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018*. *MMWR Morb Mortal Wkly Rep* 2019;68:157–164. DOI: <http://dx.doi.org/10.15585/mmwr.mm6806e1>.

