



PREVENTING TOBACCO ADDICTION FOUNDATION

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### ***In Opposition to the Section on Tobacco 21 in SB 166***

I'm Rob Crane, I'm a family physician and professor at Ohio State. I'm also the president of the Preventing Tobacco Addiction Foundation and its advocacy counterpart, Tobacco 21, whom I am representing today. We've been working on this issue, raising the sales age for all nicotine and tobacco products to 21 for over two decades. In fact, in 1997, we helped initiate Ohio Senate Bill 221 sponsored by Health Chair, Senator Grace Drake. I'm actually holding here a letter from then U.S. Senator Mike DeWine written on our behalf to Governor George Voinovich imploring him to set this standard of protection for kids.

So, it is with great sadness and disappointment that I state today our vehement opposition to the section of SB 166 that would raise the access age to 21. Why? You might ask, would an organization that has worked with hundreds of cities and counties around the country, including 22 in our state alone, and lobbied in a score of states, why would we oppose this bill?

Quite simply, this section is written so badly, so carelessly, that if it is enacted, literally tens of thousands of Ohio kids will addict to nicotine needlessly. This law is written so it will never be enforced. This law is written to protect those who would purvey addictive nicotine to our kids, rather than protect the kids it purports to shield.

How do we know this? We now have six years of active experience with these laws across 472 cities and thirteen states. But one doesn't need that kind of experience to know that a law which won't be enforced, won't work. This law is window dressing only. It will have little to no effect in reducing adolescent addiction. But, as you may imagine, the presence of a state law will halt any further activity at the city or county level. Potential good laws that protect kids will give way to one really bad one that does not.

This current misdemeanor language puts enforcement only in the hands of the police, makes a criminal of a minimum wage clerk who sells underage, and subjects only that person to immediate arrest. The owner/operator is shielded. Using criminal law and the police has been shown to be ineffective, expensive and disruptive. The police have other priorities.

The crazy thing is, we do have great examples in Cincinnati, Columbus, Akron, Cuyahoga County and a dozen smaller towns and cities around the state. There, local Health Departments using civil ordinance work with the retailers they already see regularly. However, rogue retailers who don't listen, and keep selling to kids, face fines or even suspensions. That's how it's done, easily, cheaply, effectively. That's how this law should work.

Some people call these ordinances "youth access laws", but the best laws are actually those that restrict vape and tobacco sellers from access to our youth. That's what's needed. That's what the parents, teachers and doctors who see the JUUL epidemic up-close, every day, demand. We stand with them. Thank you.