



Tobacco 21

The American Heart Association's Position

The American Heart Association advocates for policies at the federal, state and local levels that prohibit the sale of all tobacco products, including e-cigarettes, to anyone under the age of 21. These laws should include effective enforcement mechanisms, such as compliance checks, to ensure retailers comply with the law and not place excessive punishment or burden on youth.

- Smoking is still a leading cause of preventable death in the US and across the globe.¹
- Increasing the minimum legal sale age (MLSA) for all tobacco products reduces youth access to and use of tobacco products, lowers health care costs, and improves overall life expectancy.⁴
- Although passing Tobacco 21 laws has some effect on youth purchasing, there is significantly more reduction in adolescent smoking when sufficient enforcement that disrupts sales to minors is implemented.⁵ Retailers are a major source of tobacco products for minors, especially in low-income, segregated neighborhoods with more black and Latino residents.⁶
- Primary enforcement should focus on retailer compliance with not selling to minors rather than on illegal purchases or youth possession. Research has shown that there is differential enforcement of tobacco purchasing laws – Black and Hispanic youth have a higher probability of being cited than their white peers.⁷ One of the reasons that the tobacco industry focuses on criminalizing youthful purchasers of tobacco is to make it difficult or impossible to research and monitor merchant compliance programs.⁸ Criminalizing youthful purchases may also help shield alcohol and tobacco producers from civil liability claims.⁸
- Best practices for retailer enforcement include having an articulated plan for enforcement, giving enforcement responsibility to a single agency, conducting ongoing compliance check inspections, allocating funding for enforcement inspections, prosecuting violators, setting high penalties for violations, and practicing effective merchant education.⁵

Fast Facts:

1. Nearly 9 out of 10 cigarette smokers first try smoking by age 18, and 95% by age 21.² The 18 to 21 age range is also a time when many smokers transition to regular use of cigarettes.³
2. In 2015, the National Academies of Sciences, Engineering and Medicine released a report² that modeled the myriad of public health benefits that could result from raising the minimum legal sale age for tobacco to 21. Notably, the report concluded that implementing Tobacco 21 laws would decrease tobacco use by 12% and lead to:
 - a. Nearly 225,000 fewer premature deaths.
 - b. Nearly 50,000 fewer deaths from lung cancer.
 - c. Almost 300,000 fewer pre-term births.
 - d. 4.2 million fewer years of life lost for those born between 2000 and 2019.

Impact

As of August, 2019, 18 states, Washington, DC,, Guam, and 475 cities and counties in 29 states have passed Tobacco 21 Laws, covering over 100 million people in the United States.⁹

For more information and resources from the American Heart Association's policy research department on tobacco please visit:

<https://www.heart.org/en/about-us/policy-research>.

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4. Berman, ML. Raising the tobacco sales age to 21: Surveying the legal landscape. *Public Health Rep*. 2016; 131: 378-81

5. Winickoff, Jonathan P. Maximizing the Impact of Tobacco 21 Laws Across the United States. *American Journal of Public Health*.2018. 108(5): 594-595.

6. Lee, J., Landrine, H., Torres, E., Gregory, KR. Inequities in tobacco retailer sales to minors by neighbourhood racial/ethnic composition, poverty and segregation, USA, 2015. *Tobacco Control*. 2016.

7. Gottlieb, N. H., A. Loukas, M. Corrao, A. McAlister, C. Snell, Huang, PP. Minors' tobacco possession law violations and intentions to smoke: Implications for tobacco control. 2004. *Tobacco control* 13(3): 237-243.

8. Mosher, James F. "The merchants, not the customers: resisting the alcohol and tobacco industries' strategy to blame young people for illegal alcohol and tobacco sales." *Journal of Public Health Policy* 16, no. 4 (1995): 412-432

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