



# TOBACCO AGE 21 LAW: THE HAWAII EXPERIENCE

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# ACT 122 (SB 1030, SD1, HD2) RELATING TO HEALTH

- Increases the minimum age for sale, possession, consumption, or purchase of tobacco products or electronic smoking devices from eighteen to twenty-one.
- Defines “tobacco products” to include electronic smoking devices.



# HOW DID WE PASS THE LEGISLATION?

- Started at local county level
- Support from Tobacco Free Kids
- Collecting relevant data (national & local)
- Evidence-based and policy research
- Legal research
- Legislative advocates and media support
- Networking with advocates
- Community involvement



# SUCCESS AT THE LOCAL LEVEL

## Hawaii Island Ordinance

- ▶ Passed unanimously November 2013
- ▶ Covered all tobacco products, including electronic smoking devices (e-cigarettes)
- ▶ Included a “grandfather clause” for current eighteen-year olds



# WE HAD HELP...



SIGN THE PETITION TO RAISE THE SALE AGE FOR TOBACCO TO 21 AT [TWENTYONEREASONS.ORG](http://TWENTYONEREASONS.ORG)

- 1 We should do everything we can to prevent smoking and other tobacco use among young people – it saves lives.
- 2 65% of Hawaii Island voters support raising the legal sale age for tobacco products to age 21.
- 3 95% of all adult smokers start smoking before the age of 21.
- 4 400,000 people die every year from tobacco use in the United States, including 7,100 in Hawai'i.
- 5 5,600 kids in Hawai'i try smoking for the first time each year.
- 6 Another 1,400 kids in Hawai'i become regular smokers each year.
- 7 On Hawai'i Island, the smoking rate among young adults aged 18-24 is more than double the smoking rate among youth aged 12-17.
- 8 Delaying the age when young people first begin using tobacco would reduce the risk that they will become addicted tobacco users.
- 9 Tobacco use causes \$96 billion in health care costs in the U.S. each year, including \$336 million in the State of Hawai'i.
- 10 Young people are more sensitive to nicotine's addictiveness and can become addicted more quickly than adults.

21 REASONS TO RAISE THE AGE

RAISE THE AGE TO 21 & SAVE LIVES

SIGN THE PETITION TO RAISE THE SALE AGE FOR TOBACCO TO 21 AT [TWENTYONEREASONS.ORG](http://TWENTYONEREASONS.ORG)

- 11 Individuals who start smoking at younger ages are more likely to smoke as adults and are also among the heaviest users.
- 12 Young people who smoke are at risk for immediate health problems such as increased blood pressure, asthma and reduced lung growth.
- 13 Tobacco companies target kids and young adults – they know that's when most users become addicted to tobacco.
- 14 Tobacco companies spend \$24 million every day to promote their deadly products – much of that marketing directly influences young adults.
- 15 According to the Surgeon General (2012), tobacco company marketing causes the onset and continuation of smoking among kids and young adults.
- 16 Tobacco companies continue to market smokeless tobacco, little cigars and electronic cigarettes in kid-friendly flavors, like cherry and pina colada.
- 17 Tobacco companies continue to market their cigarettes and smokeless tobacco products in magazines with large numbers of youth readers.
- 18 Tobacco companies know that targeting college-aged youth will also appeal to underage audiences, who look up to young adults as role models.
- 19 Raising the legal sale age for tobacco would help keep tobacco out of schools & reduce the chance that a young adult will be able to legally purchase tobacco products for underage friends.
- 20 Smoking during youth is also associated with an increased likelihood of using illegal drugs.
- 21 Tobacco companies admit that increasing the legal sale age for tobacco will reduce smoking.



# Signing petitions

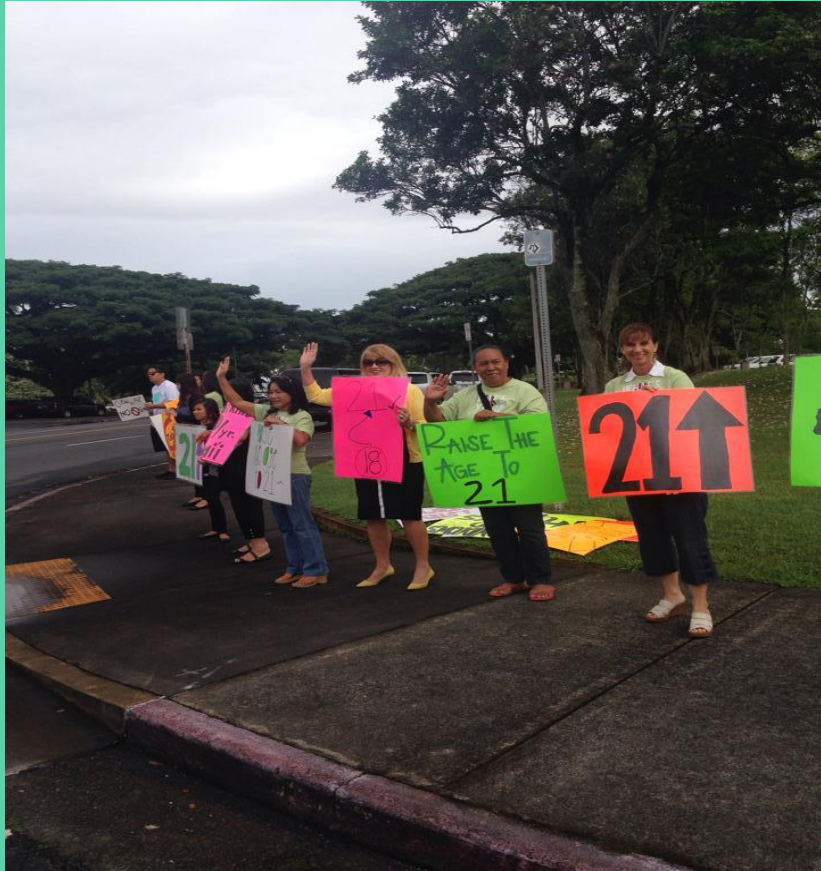


Raising the tobacco purchasing age of tobacco and electronic smoking devices will:

I think raising the tobacco purchasing age of tobacco and electronic smoking devices is a good idea because it will eventually decrease the amount of young smokers in Hawaii. Less smoking could not only have a positive impact on our people, but also on our environment.

Mahalo for signing the bill,

Their voices were heard ...



# The sale of tobacco products to persons born after June 30, 1996 is prohibited

This includes electronic smoking devices



Per County of Hawai'i Ordinance 13-124 (Effective July 1, 2014), any person who distributes tobacco products or electronic smoking devices to any customer who is underage will be subject to a fine of up to \$2,000.



**NO SALE**  
**WE CHECK I.D.**



# UNSUCCESSFUL AT THE LOCAL LEVEL


## City & County of Honolulu Proposed Ordinance

- ▶ Introduced June 2014
- ▶ Delayed by potential pre-emption charge
- ▶ Councilmembers deferred action to the state legislature





# EVIDENCE...

- ▶ Nearly all smokers began by the age of 18 – almost no one starts smoking after 21
  - ▶ 18 to 21 age group is a critical period when many smokers transition to regular use of cigarettes
- 

# EVIDENCE...

*“If a man has never smoked by age 18, the odds are 3:1 he never will. By age 21, the odds are 20:1”*

RJ Reynolds executive, 1982

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

Philip Morris strategist, 1986

# EVIDENCE...

## ▶ BIOLOGICAL

- ▶ A legal age of 18 is out of touch with current scientific data on brain development and addiction in adolescents.
- ▶ Brain development continues until about age 25
- ▶ The adolescent brain is uniquely vulnerable to rewarding aspects of nicotine
- ▶ The earlier age of initiation is associated with greater levels of nicotine dependence, greater intensity, and persistence of smoking beyond adolescence and through adulthood.

# EVIDENCE...

## ▶ PSYCHOSOCIAL FACTORS

- ▶ Some cognitive maturity is reached by mid-adolescence, however, aspects of psychosocial maturity are still developing, such as:
  - ▶ sensation seeking
  - ▶ reward seeking
  - ▶ impulse control
- ▶ Adolescence is a period of greatest peer affiliation and susceptibility to peer influence.

# EVIDENCE...

## ALCOHOL SALES AGE

- ▶ Raising the alcohol sales age to 21 resulted in reduced alcohol use by youth
- ▶ When most states raised their alcohol sales age to 21 in the 1980's alcohol use, daily drinking, and binge drinking all dropped more than a third among high school seniors. Deaths caused by drunk drivers under age 21 also fell significantly.

Journal of Studies on Alcohol, 2002

# EVIDENCE

## SOCIAL SOURCES (AN ACCESS ISSUE)

- Nearly all smokers began by the age of 18 – almost no one starts smoking after 21.
- Raising the minimum age decreases the likelihood that those who can legally obtain tobacco are in the same social networks as middle and high school students.
  - 15% of Hawaii HS students report buying their cigarettes in a store. However, 48% report getting their cigarettes from social sources (borrowing or being given cigarettes by friends).
  - 91% of HS tobacco users felt it would be easy to get tobacco products if they wanted them.





# EVIDENCE...

## ▶ WE WERE NOT ALONE.

- ▶ It worked in Needham, Massachusetts
  - ▶ Youth smoking declined from 12.9% in 2006 to 5.5% in 2012
- ▶ 46 States where MLA is 18 years
- ▶ 4 States where MLA is 19 years (AL, AK, NJ, UT)
- ▶ 64 cities and counties, including New York City & Hawaii County

# WHY E-CIGARETTES?

Cigarette smoking and traditional tobacco product use has decreased.

E-cigarette use:

- **TRIPLED** among high school students (5.1% to 17.6%)
- **QUADRUPLED** among middle school students (1.8% to 7.9)
- Rates are higher among Hawaii students compared with the US sample (10% vs. 4.5).
- Hawaii students were equally likely to have tried new tobacco products as traditional ones.

# 2015 LEGISLATIVE SESSION

Two bills introduced to the Hawaii State  
Legislature

House Bill 385

Senate Bill 1030





# #RAISETHEAGEHI

“RAISING THE LEGAL MINIMUM AGE FOR CIGARETTE PURCHASE TO 21 COULD GUT OUR KEY YOUNG ADULT MARKET (17-20).”

—PHILLIP MORRIS EXECUTIVE

# KICK BUTTS DAY, MARCH 18, 2015





20 YEARS OF KICKING BUTTS  
**KICK BUTTS DAY**  
STAND OUT • SPEAK UP • SEIZE CONTROL



COALITION FOR A  
TOBACCO-FREE HAWAII





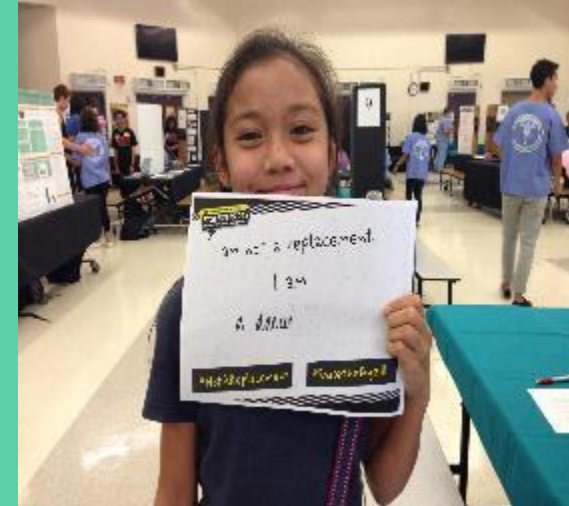
# STUDENTS MET WITH LEGISLATORS



# KICK BUTTS DAY #RAISETHEAGEHI

## Hashtag Contest

- “I am not a replacement...I am...”
- Prizes
- Judging decisions
- Likes



# 2015 LEGISLATIVE SESSION

## Senate Bill 1030

- Passed successfully through Senate Committees
- Crossed over to House of Representatives
- Heard by House Health

Two other bills were scheduled for a hearing by House Health Committee

- *Possession/Consumption by minors*
- *Powdered alcohol*



# SO WHAT HAPPENED??

Hybrid measure was created which -

- Raised the legal age for purchase and sales to 21 years
- Prohibited possession/consumption by persons under the age of 21
- And, created a dilemma for the tobacco control community

# SO WHAT HAPPENED??

- The House accepted the bill and deferred referral to conference committee.
- SB1030 passed final reading





MONDAY 5/4/15

BY DANA B. 21 HIGH SCHOOL GRAD • MANAGER@STAR.COM • MOST OF TODAY WITH 90-LOW 79 IN A.T.



# HOSPITAL WOES

Medical facilities are being upped up by larger ones to ensure financial survival  
MONEY • BY



No need for a new flat roof. Have Leanneer cover your old one. Take advantage of 6-8 year school bid season.



## Star Advertiser

NICOTINE UNDER SCRUTINY

# NO BUTTS

Legislation that raises the smoking age in Hawaii awaits the governor's signature

### STATE OF THE LINE ON

House voted 21-10 for legislation to raise the age of tobacco and e-cigarettes to 21 on May 21.

**18**

Minimum age under federal law

**19**

Minimum age in Arizona, Alaska, New Jersey and Utah

### TODAY TO GO

A bill under consideration by Gov. David Ige

- ... Ban on sale of tobacco products and e-cigarettes to anyone under 21. Takes effect in 2016.
- ... Ban on possession of tobacco products and e-cigarettes in public places by anyone under 21. Takes effect in 2016.
- ... Effective date: July 1.

### By Dana Berman

dberman@staradvertiser.com

**A** bill raising the smoking age to 21 in Hawaii today passed the House. The bill would prohibit anyone under 21 from purchasing, possessing or using tobacco products and e-cigarettes in public places.

The legislation, House Bill 1000-FB-1, will provide the equivalent of Gov. David Ige's 2010 law that raised the smoking age to 21 for anyone under 21. The law would take effect on July 1, 2016. The bill also includes provisions for enforcement and penalties. The bill also includes provisions for enforcement and penalties.

Feds ask for input on plan

TODAY





**Singing SB1030 on June 5, 2015**



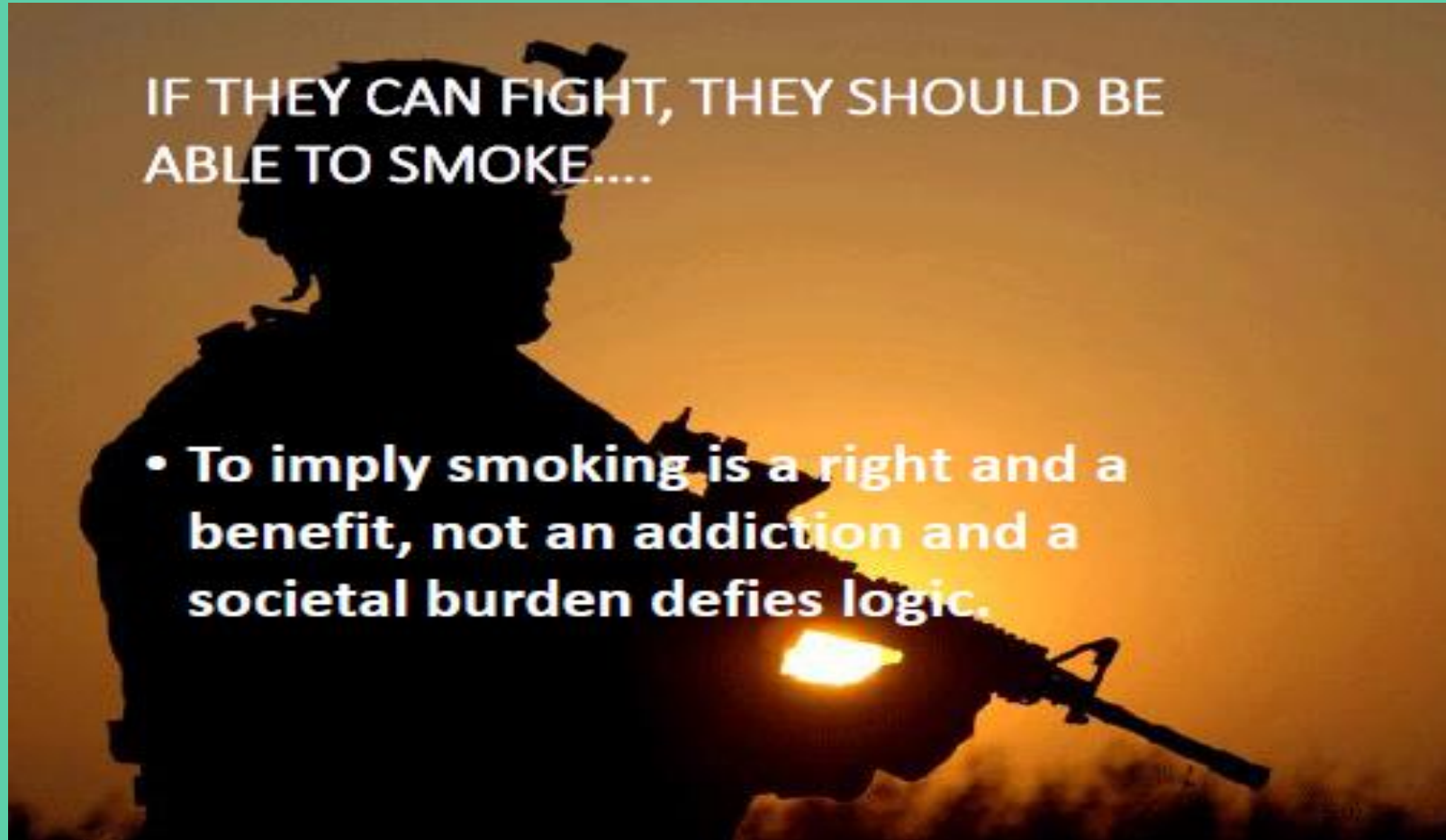




# ISSUES TO CONSIDER

- Public sentiment
- Grandfather clause
- Military argument
- Enforcement and compliance checks

# MILITARY ARGUMENT



IF THEY CAN FIGHT, THEY SHOULD BE  
ABLE TO SMOKE.....

- To imply smoking is a right and a benefit, not an addiction and a societal burden defies logic.

# ENFORCEMENT AND COMPLIANCE

- Synar compliance inspections will be using persons ages 18-20 for underage compliance checks.
- Investigating the possibility of including electronic cigarettes into underage compliance checks.



# Congratulations, Hawai'i!

It's the first state to raise  
the tobacco sale age to 21.

[TobaccoFreeKids.org](http://TobaccoFreeKids.org)



# Hawai'i makes history!

It's the first state to pass legislation raising the age of sale for tobacco products to 21.

Mohala



[TobaccoFreeHI.org](http://TobaccoFreeHI.org)