



Tobacco 21 in Missouri

Situation

While federal law has set the minimum legal sales age (MLSA) for tobacco products at 18, authority to raise the MLSA has been given to state and local legislators¹. Tobacco 21 legislation (T21), which raises the MLSA for tobacco products from 18 to 21, is gaining momentum at the state, regional, and local levels; over 475 cities and counties across 29 states have adopted T21 legislation².

Currently, Missouri does not have a statewide T21 law; however, growing numbers of local municipalities, cities, or counties have passed T21 ordinances².

Background

Raising the minimum legal sales age (MLSA) to 21 for the purchase and sale of tobacco-based products is a public health policy approach that will prevent or delay tobacco use by adolescents and young adults. The Institutes of Medicine estimates the adoption of Tobacco 21 will reduce tobacco initiation in 15 -17 year old's by 25% and in 18-20 year old's by 15%³. Successful passage of Tobacco 21 (T21) in Needham, Massachusetts has resulted in a 47% reduction in smoking rates among high school students in the first five years after the law took effect⁴.

Tobacco use, including cigarettes and other alternative forms of tobacco, remains the leading cause of preventable death in the United States, responsible for approximately 500,000 premature deaths each year⁵. The direct medical cost incurred from cigarette smoking is approximately 170 billion dollars each year⁶, and an estimated 6 million youth aged 17 and under are projected to die prematurely from a cigarette smoking-related illness if prevalence rates do not decrease⁷. E-cigarettes specifically are a 2.5 billion dollar business and e-cigarette companies spend about \$125 million a year on advertising, often specifically to youth⁸. While potential harmful health effects of e-cigarettes are less well documented due to their relative newness on the market, there are many reasons to be cautious about youth use. They expose youth to nicotine at a young age and lead to nicotine addiction which leads to cigarette use, and often contain harmful and unregulated substances^{9,10,11}. Given the rising popularity of e-cigarettes and other forms of alternative tobacco products, further research into the impact of these products needs to be done.

The toll of tobacco on Missouri residents is similarly stark. 2600 Missouri children under the age of 18 become new daily smokers each year. An estimated 128,000 children now under age 18 and alive in Missouri will ultimately die prematurely from smoking. Health care costs in Missouri directly caused by smoking are \$3.03 billion annually, and the state and federal tax burden from smoking-related government expenditures is \$930 per household¹².

Justification

The need for a statewide T21 policy is evident. Among current daily smokers surveyed in 2012, 95% reported that they first tried a cigarette before 21 years of age¹³. The 2015 IOM report concluded that if all states were to raise the MLSA of sale for all tobacco products to 21, there would be a 12 percent decrease in cigarette smoking prevalence across the nation by 2100³. Use of tobacco products other than cigarettes – electronic cigarettes, hookah, and smokeless tobacco – has also increased among youth. In 2017, around 20.8% of high school students reported using electronic cigarettes- an increase from 1.5% in 2011¹⁴. The growing prevalence of youth using multiple tobacco products is a strong predictor for developing nicotine dependence and continued tobacco use into adulthood¹¹. As the initial groups of adolescents affected by T21 policies age into adulthood, the benefits of reducing negative health effects from tobacco use like chronic obstructive pulmonary disease, coronary heart disease, and numerous cancers will be unmistakable. If every state passed T21 policies, nearly 250,000 fewer people born between 2000 and 2019 would die premature deaths from cigarette smoking³.

In 2017, 9.2% of Missouri high schoolers reported being current cigarette smokers, slightly above the national rate of 8.1%. In another survey, 8% of Missouri high school students indicated they had smoked a whole cigarette before age 13, which is higher than the national average of 6.6%¹⁵. Regarding alternative forms of tobacco products, about 40% of Missouri high schoolers reported having ever using an electronic vapor product, a rise from about 12% in 2013¹⁵. These rising rates are particularly alarming given the results of a recent survey indicating that 42% of youth reported the risk of harm from e-cigarettes as no risk at all or only a slight risk¹⁶. This underestimation of harms and easy access to tobacco products among Missouri youth puts our state population in danger of experiencing decreased quality of life, higher rates of tobacco-related diseases, increased years of potentially productive life lost, and increased public and personal medical costs.

Recommendation

Missouri should adopt a statewide Tobacco 21 law as part of a comprehensive plan to prevent tobacco and nicotine use by adolescents and young adults. The definition of tobacco products in any future state legislation should include alternative forms of tobacco and nicotine products such as e-cigarettes and other vaping products in order to counteract the rising rates of e-cigarette use. Preventing and reducing tobacco and nicotine use will lead to a significant reduction in related chronic diseases, costs, and addiction. Any Tobacco 21 law passed should focus on enforcing point of sale laws with retailers rather than the implementation of possession, use, and purchase (PUP) laws. PUP laws intend to discourage underage youth from possessing, using, and purchasing tobacco-based products through punitive measures. The implications of PUP laws are concerning. They move enforcement penalties from the tobacco industry and tobacco vendors to youth. Particularly concerning is the potential for the inequitable application of these laws across racial groups. Implementing a comprehensive Tobacco 21 policy that focuses on enforcing point of sale laws and encourages tobacco use prevention and cessation programs in schools is an important step towards reducing youth access to harmful tobacco-based products. Point of sale enforcement may include the issuance of tobacco retailer licenses which provides a progressive discipline path including fines, license suspension and license revocation.

Until such time as a statewide Tobacco 21 law is passed every local jurisdiction in Missouri should adopt these recommendations. A draft ordinance is available by contacting MOCPE.

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