

Campaigns to Raise the Minimum Legal Sale Age to 21 Readiness Assessment Questions

Raising the tobacco sale age to 21 is an emerging policy strategy that complements proven tobacco control strategies: funded tobacco prevention and cessation programs, higher cigarette taxes, and smoke-free air. The public health case for the policy has been made in TFK's fact sheet which is available on its website here: [http://www.tobaccofreekids.org/what we do/state local/sales 21](http://www.tobaccofreekids.org/what_we_do/state_local/sales_21)

We recommend that planning for any tobacco policy campaign begin with an assessment of grassroots and grassroots capacity, the level of support of the legislative and executive branch, the likelihood of securing an appropriate and effective legislative champion, and the potential for campaign resources from local coalition partners and national organizations.

The purpose of this document is to help advocates prepare to undertake a campaign to raise the tobacco sale age to 21. Below, we list key questions to consider as a community or state gets started.

What is the Tobacco Control Context?

- ✓ To what degree has your jurisdiction achieved the priority policies of high taxes, comprehensive smoke-free laws, and well-funded tobacco prevention and cessation programs?
- ✓ If they have not been achieved, how might a 21 campaign affect your efforts to adopt the policies above?
- ✓ How do your partners view 21 campaigns? Would they be actively involved in a 21 campaign? If not active, would they be supportive? Could it bring new partners to the table?
- ✓ How might a 21 campaign strengthen or weaken your coalition?

What are the Existing Laws on Underage Access?

- ✓ For localities, are youth access laws preempted in your state? Have you consulted with local legal counsel on the issue of preemption?
- ✓ What are the current local and/or state laws on sales to underage purchasers? What do they say about:
 - Which tobacco products are covered, including e-cigarettes?
 - Signage (including penalties and funding)?
 - Vending machines?
 - Adult-only facilities?
 - Age verification?
 - Customer access/self-service displays?
 - Enforcement agencies and protocols?
 - Penalties for retailers?
 - Funding for enforcement? How do enforcement and funding work for federal (FDA and Synar), state and local laws related to underage access? Are the ages the same? The enforcing agencies? How do the funding streams relate to each other? Have you reviewed your state's latest Synar report? This report may provide specifics on how youth access laws at the state and federal level, including Synar checks, relate to each other in your state and can be a good starting point for mapping out your state's enforcement practices and funding streams. (You can check your state's Synar compliance rate at: <http://www.samhsa.gov/synar/annual-reports>)
- ✓ If your local and/or state laws do not address these issues, is there a willingness to include language in the ordinance to address them?
- ✓ Do your current laws penalize youth purchase and/or possession?
- ✓ What are the penalties for youth purchase and possession?
- ✓ Could the youth purchase and possession provision be removed completely?
- ✓ Does your jurisdiction require licenses for retail sale of tobacco products?
- ✓ Is the youth access law built into the license law or is it separate?
- ✓ If your jurisdiction does not require a license for retailers, would you consider adopting one to help enforce a 21 law?

- ✓ What is the requirement for lost revenue estimates (fiscal notes, fiscal impact statements, etc.) for this type of bill?
- ✓ Is there any opportunity to educate fiscal note staff about the expected policy impacts of T21 before they make their estimate?
- ✓ How might the answers to any of these questions be different for communities with varying retail density, resource levels, etc? For example, how might enforcement issues play out in a rural community with low retail density vs. urban areas with high retail densities, or communities with higher or lower budgets for tobacco control enforcement?
- ✓ Do you have any military bases in your community? Is the military community supportive of age 21? If so, can you engage them early in the process to get in front of the arguments about the need to exempt members of the military?

Crafting Your Language to Raise the Minimum Legal Sale Age

Once you have analyzed and mapped out the local and state underage access laws and enforcement practices and funding streams for local, state, and federal law, the coalition can determine what they want or need to change for each component listed above to assure that a tobacco sale age law set at 21 will be legal and effectively enforced, which will determine its impact on youth tobacco use. It is critical to determine who will enforce the new law for 18, 19, and 20 year olds and how the enforcement will be funded, including compliance checks and signage.

As you prepare to draft language, it is also important to provide the evidence-base for the policy, which can be tailored to your area based on the evidence summarized in TFK's fact sheet on the issue. Tobacco sale age laws have research support which show that their biggest impact occurs as the effects of the law accumulate over time. The short term impact on overall consumption and prevalence means that the laws will have minimal fiscal impact in the short term. At the same time, over the long term, declines in smoking prevalence will help contribute to reduced health care costs.

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