Tobacco 21: Trending Across the US Trending in Minnesota
AGENDA

1. League of MN Cities Intergovernmental Relations: Ann Lindstrom

2. Public Health Law Center
PRESENTING TODAY

Joelle Lester
Director of Commercial Tobacco
Public Health Law Center

Natasha Phelps
Lead Senior Staff Attorney
MN Commercial Tobacco Program
Public Health Law Center
COMMERCIAL TOBACCO CONTROL TEAM
LEGAL TECHNICAL ASSISTANCE

- Legal Research
- Policy Development, Implementation, Defense
- Publications
- Trainings
- Direct Representation
- Lobby

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law
LEGAL TECHNICAL ASSISTANCE

- Tribal
- Federal
- State
- Local
Equality

Equity
TOPICS FOR TODAY

1. T21 – Public health rationale

2. T21 – National landscape and general issues

3. T21 in Minnesota
   a. Local
   b. State

4. Q & A
POLLING QUESTION
WHY TOBACCO 21?

5.6 MILLION
CHILDREN ALIVE TODAY
WILL ULTIMATELY
DIE EARLY FROM SMOKING
IF WE DO NOT DO MORE
TO REDUCE CURRENT
SMOKING RATES

THAT’S EQUAL TO
1 CHILD
OUT OF
EVERY 13
ALIVE IN THE U.S. TODAY

— OR —

2 OF THE 27
CHILDREN
IN THE AVERAGE
3RD GRADE
CLASSROOM
PUBLIC HEALTH RATIONALE

Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products

FIGURE: Committee Estimates Regarding Effects on Initiation Rates

<table>
<thead>
<tr>
<th>Age Group</th>
<th>MLA 25</th>
<th>MLA 21</th>
<th>MLA 19</th>
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<tbody>
<tr>
<td>under 15 yrs</td>
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<tr>
<td>15-17 yrs</td>
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<td>18 yrs</td>
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<td>19-20 yrs</td>
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<tr>
<td>21-24 yrs</td>
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</table>
WHY TOBACCO 21?

Most adults favor making 21 the minimum age of sale for tobacco products.

3 out of 4 U.S. adults favor making 21 the minimum age of sale for tobacco products.

This includes 7 out of 10 U.S. adult cigarette smokers who favor making 21 the minimum age of sale.

Source: American Journal of Preventive Medicine
NATIONAL POLICY LANDSCAPE

500+ Cities & Counties in 30 States

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law
**EFFECTIVENESS**

**Key Findings**

+ Recent initiation of tobacco use among youth and young adults decreased.
  Recent initiation decreased significantly among current tobacco users aged 13–17 years (from 34% to 25%) and aged 18–20 years (from 23% to 18%).

+ Perceived ease of access decreased.
  The percentage of tobacco users aged 18–20 years who reported that it was “sort of easy” or “very easy” to obtain tobacco products decreased significantly.

+ Statewide requests for proof of age did not change significantly, although there were differences based on geography.
  Current tobacco users outside the Portland metro area who tried to purchase products in a store were less likely to be asked for proof of age than those in the Portland metro area after legislation.
ISSUES RELATED TO TOBACCO 21
JUUL & THE E-CIGARETTE EPIDEMIC

Big Tobacco is back, thanks to JUUL — with a whole new way to get kids hooked on nicotine.

JUUL’s flavored e-cigarettes deliver massive doses of nicotine

Don’t let sweet-talking ads from JUUL fool you — each JUUL pod delivers the same amount of addictive nicotine as 20 cigarettes. It’s no wonder Marlboro maker Altria spent $12.8 billion buying into JUUL. Their mint, menthol, fruit, cream and mango flavors have fueled what the FDA warns is a “youth e-cigarette epidemic.” It’s time to act: Stop flavored e-cigarettes and give our kids, parents and teachers a fighting chance.
POLLING QUESTION
ISSUES RELATED TO TOBACCO 21

PENALTIES
ISSUES RELATED TO TOBACCO 21

MILITARY EXEMPTIONS

1 in 3 service members who use tobacco started after joining the military.

“Tobacco product use is a threat to the health and fitness of our forces and compromises readiness, the foundation of a strong national defense. Join us now to build a stronger, healthier, more resilient force.”

U.S. Surgeon General Jerome Adams, MD, MPH.
PUTTING T21 IN CONTEXT
FDA AND FEDERAL LEGISLATION
ISSUES RELATED TO TOBACCO 21
PREEMPTION
PUTTING T21 IN CONTEXT
OTHER TOBACCO CONTROL POLICIES

• Flavor restrictions
• Density and location policies
• Advertising and marketing restrictions
• Tax and price policies
• Prevention education
• Cessation support
POLLING QUESTION
TOBACCO 21
MINNESOTA MUNICIPALITIES

- First few:
  - Edina (May 2017)
  - St. Louis Park (July 2017)

- Most recent – now up to 46:
  - Stevens, Benton, Hennepin, and Olmsted counties (July 2019) … Wright County (Sept 2019)
  - Cities of New Brighton (June 2019) … Mounds View and Braham (Sept 2019)
POLLING QUESTION
TOBACCO 21
MN MUNICIPALITIES: TRENDS

• Community education and support
  - Youth engagement
  - Identification of policy solutions (sometimes T21, sometimes not)

• Coalition building

• Engaging with decision-makers

• Work sessions, first or multiple readings

• Notice and vote

• Implementation – administrative process and education

• Enforcement
TOBACCO 21
MN MUNICIPALITIES: TRENDS

• Removing penalties for underage purchase, use, and possession

Councilmember Maria Regan Gonzalez at the first reading said this ordinance was not about stigmatizing smokers or stigmatizing the vaping community.

“It is about limiting access for our youth to nicotine and starting smoking,” Gonzalez said.

According to a city staff report, the proposed ordinance will not use “purchase, use, and possession” or “PUP laws” against minors citing that studies that suggest these penalties do not prevent youth tobacco use. There are currently 22 licensed establishments within the city of Richfield that sell tobacco products, including e-cigarettes.
TOBACCO 21
MN MUNICIPALITIES: TRENDS

- Exemption for provision of tobacco products and devices for traditional, sacred tobacco practices

http://www.glitc.org/forms/Tabacco/tabacco-booklet-web-.pdf
TOBACCO 21
MN MUNICIPALITIES: TRENDS

• Requiring age verification and signage

AGE VERIFICATION CALENDAR
The age verification calendar allows you to easily figure out whether or not your customer is old enough to legally purchase tobacco products according to federal law. This tool tells you the exact date a customer must be born on or prior to in order to buy tobacco. REMINDER: You must also follow state or local tobacco laws, even if they are more restrictive. For example, in some states the minimum age to purchase a tobacco product is 19.

Suggested Placement: On sales counter with the retailer side facing the clerk and the customer side facing away. Prop the calendar up using the built-in stand.

FDA.gov
TOBACCO 21
MN MUNICIPALITIES: TRENDS

• Increasing required number of compliance checks
TOBACCO 21
MN MUNICIPALITIES: TRENDS

• Requiring tobacco retailer employee training
• Setting a minimum clerk age

The Minnesota tobacco retailer training is designed to help tobacco retailers comply with Minnesota and federal laws that regulate the sale of tobacco, electronic delivery devices, or e-cigarettes, and tobacco-related devices. The training takes approximately one hour to complete and is divided into three sections. There are a total of 25 questions, and the retailer must correctly answer 17 questions to be awarded a certificate. The certificate will be emailed to the email address provided by the retailer at registration.
TOBACCO 21
MN MUNICIPALITIES: TRENDS

• Increasing penalties – fines, suspensions, revocations – against licensees
• Increase lookback period for penalties

Council revokes vape shop’s tobacco license

By Elizabeth Callen | Staff Writer  Dec 21, 2018  0

The Forest Lake City Council voted to revoke the tobacco license of Cloud X Vapes, located at 843 West Broadway Ave, after the store was cited for three license violations in less than a year.

Elizabeth Callen | Press Publications
Tobacco 21
MN Municipalities: Trends

• Passing T21 with other policies to better protect public health:
  - Restricting or prohibiting the sale of flavored tobacco products
  - Prohibit the indoor use of all tobacco products for the purpose of sampling and prohibit the distribution of samples
  - Increasing the price of products and prohibit price discount redemption
  - Limiting the location, number and density of tobacco retailers

Excelsior raises tobacco sales age to 21 and restricts access near schools

St. Paul Suburb Becomes 14th City to Pass T21 Ordinance

On Oct. 23, Lauderdale became the 14th Minnesota city to pass an ordinance raising the tobacco sales age to 21. Its City Council also voted to restrict the sale of flavored tobacco products, making it the ninth city to do so.
As Tobacco 21 regulation settles in, Eden Prairie retailers see little change

By Eden Teller eteller@swpub.com  Aug 1, 2019

A neon sign advertises Juul, an e-cigarette brand, at Eden Prairie's Anderson Market, 8795 Columbine Road. Photo by Eden Teller.

Apple Tree Dental @appletreedental · 13h
As the city of Mounds View looks into implementing #Tobacco21, we, as a nonprofit dental organization, show our support for raising the tobacco purchasing age to 21. Let's discourage teen tobacco use.
#T21MN @smokefreeegenMN

MMA Supports T21 Ordinances in Mankato, North Mankato

1/18/2018
The MMA sent letters of support to the mayors and city councils of Mankato and North Mankato regarding ordinances that would raise the minimum legal sale age for tobacco products to 21 in those cities.

"Cigarette smoking remains the leading preventable cause of death in the United States, and while there are positive trends related to tobacco use, a legal age of 21 for tobacco products could have a significant impact on reducing tobacco use among teens. These ordinances are an important step in addressing this issue."

Home / News & Publications / News / MMA Supports T21 Ordinances in Mankato, North Mankato

Quick Links
- Medpac
- MMA Foundation

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POLLING QUESTION
TOBACCO 21
MN MUNICIPALITIES: TROUBLESHOOTING

• Enforcement:
  - If law enforcement, work with local public health
  - Early stage of policy implementation period: educate retailers and their employees
    - Minnesota DHS “Congratulate and Educate Program”
    - ANSR MN Retailer training program

• Grandfathering (retailer complaints)

• Schools
• Did not pass during the 2018 or 2019 legislative sessions

• 2019 Session
  - Juul/Altria “support”
    ▪ PUP
    ▪ Preemption
Owatonna moves forward on Tobacco 21 in 5-2 vote

News Release
September 6, 2019

Contact information

Health officials report death in a patient hospitalized for vaping-related lung injury

Patient had underlying lung disease and experienced medical complications

Minnesota health officials have confirmed the first death in the state associated with an outbreak of serious lung injuries related to vaping. The Minnesota patient was over 65 years old and died in August after a long and complicated hospitalization.

According to Minnesota State Epidemiologist Dr. Ruth Lynfield, the patient had a history of underlying lung disease and was hospitalized with a severe lung injury that progressed to include other conditions. Investigators looking into the case
TOBACCO 21
OTHER POLICY OPTIONS

Flavored tobacco products target young people, African Americans

Her mission: Get East Africans to stop smoking
Zahra Bashir is trying an unconventional approach to get community members to understand the dangers of cigarettes, e-cigarettes and hookah. It's not an easy sell.

Riham Feshir Minneapolis September 4, 2019 8:12 a.m.

2 X
MN young adult nonsmokers who receive tobacco coupons are twice as likely to become smokers.

About 50 percent of MN smokers have used tobacco coupons or promotions in the past year to save money on cigarettes.

A third of adult smokers use tobacco coupons or discounts every time they see one.

TOBACCO INDUSTRY TARGETING

The Facts Are . . .

Tobacco companies spent $7.7 BILLION in 2016 to reduce the price of cigarettes and smokeless tobacco for consumers. That is nearly $900,000 every hour.

COUPONS HINDER SMOKERS’ ATTEMPTS TO QUIT. Minnesota adult smokers who redeemed cigarette coupons were much less likely to quit smoking than those who didn’t use coupons.
RESOURCES FOR CITIES

• PHLC TA and publications
  – Ordinance analyses and sample language
  – Model licensing code
  – Publications on policy options
  – Presentations

• Minnesota Department of Health
  – Statewide Health Improvement Program
    • Local public health departments
  – Advisories, toolkits and other resources

• Clearway MN, American Lung Association of MN, Association for Nonsmokers - MN
RESOURCES FOR CITIES

- PHLC is hosting a free Continuing Legal Education (CLE) seminar on Hot Topics in Minnesota’s Commercial Tobacco Control Laws in three locations across Minnesota.
  - 3 standard CLE credits has been approved.
  - Free lunch will be provided.
  - Pre-registration is required: http://bit.ly/PHLCCCLE

<table>
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<tr>
<th>Three Events</th>
<th>Duluth</th>
<th>Fergus Falls</th>
<th>Mankato</th>
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<tr>
<td>Date/Time:</td>
<td>Oct. 25th 9:30AM-1:30PM 9:30-10AM registration 10:00AM-1:30 program</td>
<td>Oct. 28th 9:30AM-1:30PM 9:30-10AM registration 10:00AM-1:30 program</td>
<td>Oct. 30th 9:30AM-1:30PM 9:30-10AM registration 10:00AM-1:30 program</td>
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<tr>
<td>Location:</td>
<td>Ordean Building American Lung Association 424 W. Superior Street Duluth, MN 55802</td>
<td>Otter Tail County Government Services Building Otter Tail Board Room 500 W. Fir Ave Fergus Falls, MN 56537</td>
<td>Shared Spaces 127 S 2nd St. Mankato, MN 56001</td>
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KEY TAKEAWAYS

• T21 is a popular policy option that is trending across the country with the main goal of restricting youth access to commercial tobacco products.

• There are important issues to consider when passing local T21:
  – Penalties—shifting focus from youth and young adults and
  – Effective implementation and enforcement requires collaboration.

• Other effective policy options address youth access/interest, vaping epidemic/injuries/deaths:
  – Restricting or prohibiting the sale of flavored tobacco products;
  – Increasing the price of tobacco products; prohibiting the redemption of coupons and price promotions; and
  – Limiting the location, number and density of tobacco retailers.
CONTACT US

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facebook.com/publichealthlawcenter

View the recording of this webinar here: www.lmc.org/T21Webinar2019