

Tobacco 21

Tobacco 21 is a tobacco control initiative which: (1) raises the minimum age of legal access (MLA) for sale of tobacco products to persons age 21 and older; and (2) reduces access of adolescents to tobacco products by interrupting the supply available from peers age 18–20.

Raising the MLA to age 21 complements other strategies to reduce tobacco use, including higher tobacco taxes, strong smoke-free laws that include all workplaces and public places, and well-funded, sustained, comprehensive tobacco prevention and cessation programs.

“Tobacco products” is defined to include cigarettes, cigars, smokeless tobacco, shisha or hookah tobacco, and electronic vapor products (including e-cigarettes, e-cigars, e-pipes, vape pipes, vaping pens, e-hookahs and hookah pens).



Youth Smoking Prevalence Rates

In the last decade, smoking prevalence rates have declined significantly among Kansas high school students (from 51.0 percent in 2005 to 26.5 percent in 2017 for ever smoked a cigarette; from 21.0 percent in 2005 to 7.2 percent in 2017 for currently smoking cigarettes; and from 25.3 percent in 2005 to 10.6 percent in 2017 for currently smoking either cigarettes or cigars).

In 2017, the prevalence rates for tobacco product use for Kansas high school students were lower than national rates. In Kansas, 7.2



percent of high school students reported current use of cigarettes compared to 8.8 percent nationally, and 17.1 percent reported using one or more tobacco products in Kansas compared to 19.5 percent nationally.

Rationale

Adolescent brains have a heightened sensitivity to the rewarding effects of nicotine. Approximately 54 percent of daily adult smokers are smoking daily before age 18, 85 percent are smoking daily before age 21 and 94 percent are smoking daily before age 25. If someone is not a regular smoker by age 25, it is highly unlikely they will become one.

Friends and family (social sources) play a central role in establishing adolescent tobacco use patterns. In Kansas, a statewide Tobacco 21 law would affect nearly 250,000 Kansans age 15–20. Young adults age 18–20 would be directly affected, and adolescents age 15–17 might no longer have access to a supply of tobacco products from their peers age 18–20.

Impact on Retailers and Enforcement

A study published in the American Journal of Public Health estimated the economic consequences of implementation of Tobacco 21 policies to be a reduction of approximately 2.2 percent of total tobacco sales.

A study in California found that there was a reduction in sales to minors when comparing pre- and post-Tobacco 21 implementation. Half of retailers reported complaints

about the age limits from those affected and one-quarter indicated witnessing “shoulder tap” buys on a monthly basis after the Tobacco 21 policy went into effect.

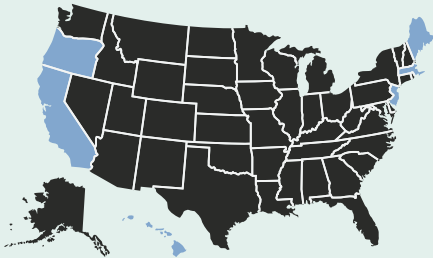
A study in New York City concluded that there was a reduction in legal purchase age identification verification after adoption of Tobacco 21 policies, which might be improved with enforcement regulation.

Kansas City, Kansas, Enforcement Study

Two years after the passage of Tobacco 21 in Kansas City, Kansas, an enforcement study was conducted. Two hundred seventy-two undercover visits were conducted at 129 tobacco product retailers to assess the effectiveness of the T21 policy. Thirty-five visits among 32 retailers

resulted in a failure — sale to a minor under age 21. This resulted in a retailer violation rate (RVR) of 24.8 percent (32 out of 129 retailers). As a group, the RVR among gasoline stations with convenience stores was 34.4 percent, which was the highest of all retailer types.

U.S. Tobacco 21 Policies



In 2005, Needham, Massachusetts, was the first town in the U.S. to enact a law raising the minimum age of legal access (MLA) to tobacco products to age 21.

Six states — Hawaii, California, New Jersey, Oregon, Maine and Massachusetts — the District of Columbia and Guam have raised the MLA to age 21.

Local Tobacco 21 Ordinances Adopted in Kansas, as of February 2019

Local ordinances adopted in Kansas have all raised the minimum age of legal access (MLA) for sale of tobacco products (including electronic vapor products, liquid nicotine or e-cigarettes) to persons age 21. Some localities have included exemptions, amended smoking restrictions, and/or raised the age of purchase, use and possession (PUP) penalties in their local ordinance which are noted below.

FINNEYCOUNTY

Finney County (unincorporated)

Local ordinance effective as of January 5, 2019. Cannot possess if under age 21. Cannot sell to or purchase for anyone under age 21.

Garden City

Local ordinance effective as of July 1, 2017. Cannot possess if under age 21. Cannot sell to or purchase for anyone under age 21.

Holcomb

Local ordinance effective as of June 13, 2018. Cannot possess if under age 21. Cannot sell to or purchase for anyone under age 21.

WYANDOTTECOUNTY

Bonner Springs

Local ordinance effective as of July 1, 2016.

Edwardsville

Local ordinance takes effect on April 1, 2019.

Wyandotte County (unincorporated) and Kansas City, Kansas

Local ordinance effective as of Nov. 26, 2015. Smoking restrictions amended to include vapor products.

DOUGLASCOUNTY

Douglas County (unincorporated)

Local ordinance takes effect on March 8, 2019.

SHAWNEECOUNTY

Shawnee County (unincorporated)

Local ordinance effective as of Sept. 14, 2017.

Topeka

Local ordinance adopted on December 5, 2017. Shawnee County District Court judge entered a permanent injunction prohibiting the enforcement of the Tobacco 21 ordinance in the City of Topeka on March 22, 2018.

JOHNSONCOUNTY

Johnson County (unincorporated)

Local ordinance effective as of July 1, 2017. Smoking restrictions amended to include e-cigarettes.

Leawood

Local ordinance effective as of Jan. 1, 2017.

Lenexa

Local ordinance effective as of July 1, 2016. Smoking restrictions amended to include tobacco, hookah and vapor products.

Merriam

Local ordinance effective as of Jan. 1, 2017.

Mission Hills

Local ordinance effective as of Oct. 20, 2015.

Olathe

Local ordinance effective as of Feb. 6, 2016.

Overland Park

Local ordinance effective as of Aug. 1, 2016.

Prairie Village

Local ordinance effective as of March 29, 2016.

Roeland Park

Local ordinance effective as of Nov. 21, 2016. Current and former U.S. military are exempt.

Westwood

Local ordinance effective as of Aug. 11, 2016.

Westwood Hills

Local ordinance effective as of Aug. 14, 2017.

LEAVENWORTHCOUNTY

Lansing

Local ordinance effective as of July 1, 2016.

Leavenworth

Local ordinance effective as of Sept. 1, 2016.

LABETTECOUNTY

Parsons

Local ordinance effective as of May 5, 2018. Persons under age 21 may purchase with valid U.S. military ID or be born on or before April 2, 2000.

ALLENCOUNTY

lola

Local ordinance effective as of June 1, 2016.

