



Trends in Tobacco Legislation

Recommendation

- The AAFP recognizes that the majority of states have laws restricting the sale of cigarettes to minors and commends those states. AAFP urges the federal government and states to enact laws restricting the sale of tobacco products to individuals under the age of 18 and that these laws be strictly enforced. The AAFP further advocates for legislation raising the legal age for the purchase of tobacco products from 18 to 21 years of age and requiring active enforcement of age-at-sale for tobacco purchases.
- The AAFP strongly supports prohibiting the use of tobacco products in all public places and workplaces.
- The AAFP calls for rigorous research in the form of randomized controlled trials of e-cigarettes to assess their safety, quality, and efficacy as a potential cessation device.
- The AAFP appreciates that most states and the federal government tax tobacco products, and believes that increasing taxes on tobacco provides a major disincentive to potential buyers, especially youth, and predictably reduces tobacco prevalence. The Academy encourages the development of health education programs funded by a dedicated tax on cigarettes.



The Problem

The prevalence of cigarette smoking among adults has declined from 42.4% in 1965 to 16.8% in 2014. Twenty million premature deaths can be attributed to cigarette smoking over that time. More than 42 million Americans still smoke,ⁱ and this year approximately half a million people will die due to tobacco related causes. Smoking remains the leading preventable cause of premature disease and death in the United States.ⁱⁱ Annually, the total economic costs due to tobacco are now over

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\$300 billion. If the US continues on its current trajectory, 5.6 million children younger than 18 years of age today will die prematurely as a result of smoking.ⁱⁱⁱ

Distribution and Sales

Currently, four states (AK, AL, NJ, UT) have laws banning the sale of tobacco products to youth younger than 19. During the 2015 legislative session Hawaii became the first state to raise the age of sales for tobacco to 21. This was quickly followed by California, who successfully raised the age to 21 during their 2016 legislative session. New Jersey had similar legislation, but the measure was pocket vetoed by Governor Chris Christie (R) in early 2016. This increase to the age for purchase is picking up pace as 18 states introduced legislation during the 2015-2016 legislative sessions. There are over 200 localities (Ann Arbor, Boston, Chicago, Kansas City, New York City, and Portland) that have raised the minimum legal sale age for tobacco products to 21.

Smoking Bans

Smoking bans or clean indoor air ordinances encourage people to quit smoking, while supporting those who have quit by providing a smoke-free environment. Smoking bans also protect the health and safety of the community by protecting others from second-hand smoke. A total of 4,579 municipalities in the United States have laws in effect that restrict where smoking is allowed. Over half the nation has laws in effect that require non-hospitality workplaces, restaurants, and bars to be 100% smokefree. Although the CDC estimates that approximately 60% of the United States is protected by state and local laws, progress has stalled. During 2011-2016, only two states passed legislation on smoking bans—North Dakota in 2015 and California in 2016.

E-Cigarette Regulation

Use of electronic cigarettes has increased significantly especially among youth. Although e-cigarettes may be less toxic than smoking combustible tobacco cigarettes, there is insufficient evidence regarding the safety or efficacy of e-cigarettes as a smoking cessation device. As of August 2016, the U.S. Food and Drug Administration (FDA) now regulates e-cigarettes. This gives the FDA authority to investigate the ingredients and regulate more than 7,000 flavors those products contain and enforce other requirements that will help keep these harmful products out of the hands of America's youth.

There are concerns that e-cigarettes contribute to nicotine dependence, promote dual use of products, and encourage nicotine consumption. E-cigarettes may also introduce children to nicotine and potential addiction by adding flavorings (for example: grape, bubble gum, and chocolate) that appeal to children and teens. As a result of these concerns, states have begun to regulate e-cigarettes. Currently, 10 states (CA, CT, DE, HI, ME, ND, NJ, OR, UT, and VT) have enacted state laws restricting e-cigarettes use in 100% smokefree venues. Additionally, there are 568 cities and counties that restrict e-cigarette use in 100% smokefree venues.

Tobacco Taxes

Recently, the federal cigarette tax was raised to \$1.01 per pack. Various legislation is introduced every year to increase state tobacco excise taxes. Currently, the average state cigarette tax is \$1.65 per pack. New York has the highest cigarette tax at \$4.35 and Missouri has the lowest at \$0.17. In 2016, three states (LA, PA, WV) passed legislation to increase cigarette taxes. California passed a ballot initiative which increased the cigarette tax by \$2.00 per pack, bringing the total tax to \$2.87, with equivalent increases on other tobacco products and electronic cigarettes containing nicotine. At this time, 13 states (AZ, CO, GA, ID, ME, MI, MO, MT, NE, ND, OK, VA, and WY) have not increased their cigarette tax in nearly 10 years.

ⁱ U.S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General. (2014). *The health consequences of smoking—50 years of progress: a report of the surgeon general, 2014*. Retrieved from <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

ⁱⁱ Ibid

ⁱⁱⁱ Ibid