



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. The 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 approximately half a million people die annually due to the use of tobacco products and related causes, including secondhand smoke. Smoking remains the leading preventable cause of premature disease and death in the United States.ⁱⁱ According to

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the Centers for Disease Control and Prevention, the total economic costs due to tobacco are now over \$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

The minimum age to purchase tobacco varies by state. The minimum age in 42 states and DC is 18 years old. Currently, three states (AK, AL, UT) have laws banning the sale of tobacco products to youth younger than 19. In recent years, five states (CA, HI, ME, NJ, OR) and more than 200 localities, including Ann Arbor, Boston, Chicago, Kansas City, New York City, and Portland, 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 secondhand smoke. A total of 4,579 municipalities in the United States have laws in effect that restrict where smoking is allowed, and of those, 946 are effectively smoke-free. Over half the nation has laws in effect that require non-hospitality workplaces, restaurants, and bars to be 100% smoke-free. Although the CDC estimates that approximately 60% of the United States is protected by state and local laws, progress has stalled. Between 2011 and 2016, only two states advanced smoking bans—North Dakota in 2012 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 as tobacco products. Currently, 11 states (CA, CT, DE, HI, ME, ND, NJ, NY, OR, UT, VT) and Puerto Rico have enacted state laws restricting e-cigarettes use in 100% smoke free venues. Additionally, there are 710 cities and counties that restrict e-cigarette use in 100% smoke free venues.

Tobacco Taxes

Since 2009, the federal cigarette tax has held steady at \$1.01 per pack. Currently, the average state cigarette tax is \$1.72 per pack, with many states introducing legislation to increase tobacco excise taxes on the state level. New York has the highest cigarette tax at \$4.35 and Missouri the lowest at \$0.17. In 2017, five states (CA, CT, DE, MN, RI) and Puerto Rico saw their cigarette taxes increase, with California's Prop 56 ballot initiative hiking the tax on cigarettes and other tobacco products, including electronic cigarettes, by \$2.00 per pack, to \$2.87. At this time, 19 states (AL, AZ, CO, GA, ID, IN, IA, ME, MD, MI, MO, MT, NE, ND, OK, SD, TN, TX, VA, WY) have not increased their cigarette tax in 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