

## 2018 FLORIDA TOBACCO PREVENTION LEGISLATION

### Key Points

SB 1288 / H 1029 would increase the minimum age for the purchase, sale, and use of tobacco to 21.

These bills would modify the penalties for the illegal sale and purchase of tobacco products to reflect the increased age.

The bills would also define electronic cigarettes and liquid nicotine as tobacco products, consistent with current federal law.

These bills would require electronic cigarette retailers to obtain a Tobacco Retail License through the Florida Department of Business and Professional Regulation, allowing law enforcement to verify that these businesses are following the current Florida age restriction.

## SB 1288 / H 1029: Tobacco Products

Senator David Simmons (R, District 9) and the late Representative Don Hahnfeldt (R, District 33) have introduced a bill to amend Florida Statute Chapter 569 on Tobacco Products to change the minimum age to purchase tobacco products to 21. In addition, the proposed legislation will also define all recreational nicotine products, including electronic cigarettes and liquid nicotine, as tobacco products. This would make

the definition of these products consistent with Federal law as outlined by The Family Smoking Prevention and Tobacco Control Act of 2009.

### *Purpose of the Current Legislation*

The purpose of this proposed legislation is to raise the minimum age for the sale, purchase, and use of tobacco products to 21 years of age, and to modify the penalties for the illegal sale and purchase of those products to reflect

the increased age.

Florida bills (SB 1288 / H 1029) would also make state law consistent with current federal law by including “electronic nicotine delivery systems and their components” and “e-liquid” in the definition of tobacco products. In 2016, the Food and Drug Administration (FDA), under the rules of The Family Smoking Prevention and Tobacco Control Act, classified several recreational nicotine products as

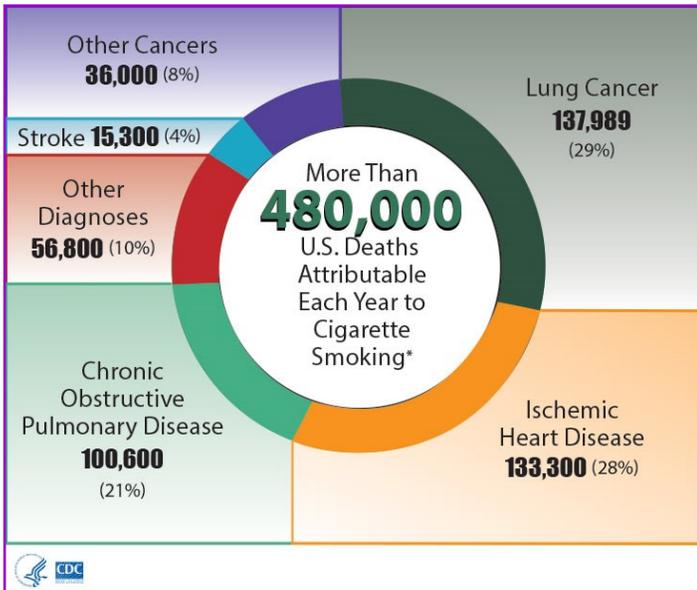


### Other Important Impacts...



12% Decline in premature births

16% Drop in SIDS cases



“tobacco products”. This change was made to distinguish the FDA regulation of recreational nicotine products from the FDA regulation of medical nicotine products (patches, nasal spray, lozenges, etc.) that are designed and tested to help people quit using tobacco.

The most important direct impact of the proposed Florida legislation is that retailers selling any form of tobacco in Florida, including e-cigarettes and liquid nicotine, will be required to have a Retail Tobacco License and all tobacco sales would be retailer-assisted to verify proof-of-age.

**Why this Legislation is Important**

Each year, 85% of new tobacco users start using tobacco between the ages of 12 and 17, well before it is legal to

purchase and use the products. This is a staggering statistic that tells us that a minimum legal age of 18 alone does not completely prevent underage minors’ access to tobacco. Consider this: if age restriction laws worked perfectly, there

should be *no tobacco use* among youth aged 12-17.

One novel approach for further reducing youth tobacco use is to raise the minimum age for the sale and purchase of tobacco to 21. It turns out that only 5% of adult tobacco users start after the age of 21, so increasing the age and enforcing it properly has the potential to dramatically reduce tobacco use. Raising the age would also make it more difficult for school-age children and teens to obtain tobacco by both direct purchase and social acquisition.

Given that there are roughly 480,000 deaths each year that are directly attributable to smok-

ing, any decline in tobacco use will directly reduce the number of illnesses and deaths over time, including cancer, heart disease, chronic obstructive pulmonary disease, and strokes.

Since 2015, five states (Hawaii, California, Oregon, New Jersey, and Maine) have passed legislation to increase the minimum legal age for tobacco to 21. Studies leading up to the passage of these new laws have shown broad support for such legislation. In fact, 75% of adults in the United States, including 70% of cigarette smokers, are in favor of raising the age to 21 (American Journal of Preventative Medicine).

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