

TOBACCO

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November 12, 2019

Dear Vice Mayor McDowell,

The Preventing Tobacco Addiction Foundation/Tobacco 21.org works to raise the minimum legal sales age for all tobacco and nicotine products, including e-cigarettes, to 21 and supports other evidence-based youth initiation policies such as tobacco retail licensing (TRL). Thank you for considering legislation to address the current epidemic of e-cigarette use among Florida youth.

Early this year, Alachua County passed the first local Tobacco 21/Tobacco Retail Licensing law in Florida, which went into effect two weeks ago. The Alachua ordinance is a comprehensive, best-practices policy that contains the following provisions to ensure the law's effectiveness:

- Establishes a model language definition of Tobacco Products that includes e-cigarettes and other nicotine delivery devices;
- Raises the sales age for all tobacco and nicotine products to 21;
- Does not exempt members of the military;
- Establishes a local tobacco retail licensing requirement to fund enforcement and retailer education;
- Establishes a 1000-foot buffer zone from elementary, middle and high schools for new licensees;
- Establishes a mandatory license suspension penalty on retailers who violate the age of sale law;
- Requires appropriate signage in point-of-sale establishments to inform the purchasing public of the new law;
- Grants authority to the County to set licensing fees and create renewal guidelines;
- Grants authority to the County to designate an enforcement agency to conduct compliance checks and issue violations;
- Establishes a best-practices age verification process with government-issued ID for all purchases; and
- Prohibits vending machine sales of tobacco and nicotine products in any establishment that permits persons under 21 years of age.

Tobacco retail licensing (TRL) is an evidence-based strategy to prevent youth initiation on tobacco and nicotine. As you have learned through recent communication the American Heart Association, current Florida state tobacco license requirements are for sellers of traditional tobacco products only, which means there is no list of vape shops or retailers who sell both traditional tobacco and e-cigarettes, so there is no way to ensure that all retailers are complying with age of sale laws. Additionally, TRL fees provide revenue for education and enforcement. Together with the Public Health Law Center, the Bureau of Tobacco-Free Florida developed a Tobacco Retail License Model Policy, copies of which you likely have, but which I also attached here.

It is important that any Tobacco 21/TRL ordinance drafted for North Port is strong and enforceable—not only as an example for other cities in Florida to follow, but to send a strong message to state legislators in Tallahassee that local communities are willing to pass strong local laws to protect youth from initiating on all tobacco and nicotine products. To raise the age of sale only for vaping products leaves open the very strong possibility that youth will begin smoking combustible cigarettes when they no longer can legally purchase e-cigarettes.

To those who would question age 21 for tobacco using the ‘old enough to go to war’ argument, we offer the following counter argument: all age limits are inherently discriminatory, but as experienced members of society, we are tasked with establishing ages to allow certain activities: driving a car, obtaining a handgun, purchasing and using alcohol, running for elected office, entering a gambling casino, etc., and ***none of these ages contain exemptions for members of the military***. The Department of Defense (DoD) has a stated goal of reducing tobacco use among troops, as use of these addictive products adversely affects combat readiness and costs the Defense Department billions of dollars in health care expenditures each year. Nicotine is highly addictive and smoking kills almost a half-million people each year in the U.S. It remains the single biggest preventable cause of early death and disease in the world. About 95% of smokers start before age 21. To delay the age of initiation on tobacco and nicotine will save millions of lives and billions of dollars in health care costs over time.

It is our sincerest hope you will consider introducing an ordinance for North Port that includes all tobacco products and the important components outlined above so that you are successful at achieving the desired health outcomes that can only come with strong youth restriction laws that are rigorously enforced.

Thank you for your leadership on this important effort to protect youth and improve the health and quality of life for all in North Port.

Sincerely,

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