



June 20, 2019

United States Senate
Washington, DC 20510

Dear Senator:

We are writing to express our strong support for raising the legal age for sale of tobacco products to 21 and to share our views on two bipartisan bills recently introduced in the Senate. We commend Senators Brian Schatz (D-HI), Todd Young (R-IN), Dick Durbin (D-IL), and Mitt Romney (R-UT) for introducing the Tobacco to 21 Act (S. 1258) and Senate Majority Leader Mitch McConnell (R-KY) and Senator Tim Kaine (D-VA) for introducing the Tobacco-Free Youth Act. We fully support the Tobacco to 21 Act and urge the removal of one provision of the Tobacco-Free Youth Act.

Raising the tobacco sale age to 21 is an important part of a comprehensive strategy that is needed to prevent young people from starting down a path that often leads to addiction, disease, and premature death. Adolescence and young adulthood are critical periods for preventing tobacco use. About 95 percent of adult smokers began smoking before they turned 21. If young people do not begin using tobacco by their early 20's, they are unlikely to ever do so. Raising the tobacco sale age to 21 will help keep tobacco out of high schools, where younger teens often obtain tobacco products from older classmates who can purchase them legally. Raising the legal age of sale to 21 will also help counter the tobacco industry's efforts to target young people between the ages of 18 and 21, a crucial time when many move from experimenting with tobacco to regular smoking.

In 2015, the Institute of Medicine (now the National Academy of Medicine) found that raising the tobacco sale age to 21 would reduce the number of youth who start using tobacco products

and, over time, reduce the smoking rate by about 12 percent and smoking-related deaths by 10 percent. This translates into 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost.

Both the Tobacco to 21 Act and the Tobacco-Free Youth Act would establish a national tobacco sale age of 21. Under both bills, FDA would apply the enforcement authority it has for the current tobacco sale age of 18 to the new sale age of 21, including conducting retailer compliance checks and assessing penalties for violations. To ensure that the full benefits of this policy are realized, both bills cover all tobacco products and do not exempt anyone from the sale prohibition. Both bills also appropriately focus on prohibiting commercial entities from selling tobacco products to people under age 21, rather than punishing the purchase of these products by young people, who are often the targets of tobacco industry marketing and may be addicted to nicotine.

The McConnell-Kaine Tobacco-Free Youth Act includes an additional requirement that states enact their own laws or risk losing federal substance abuse prevention and treatment funding. We are concerned that requiring states to pass their own tobacco 21 laws, especially under the threat of losing federal substance abuse funds, would provide tobacco companies an opportunity and the leverage to add special interest provisions to these state laws. In the past year, tobacco companies in a number of states have sought to add provisions to state tobacco 21 bills that would make it harder to pass other policies that will reduce youth tobacco use, such as prohibiting local governments from restricting the sale of flavored tobacco products. Given this concern, we urge the removal of this part of the Tobacco-Free Youth Act. If this part of the bill is removed, the bill would still set a nationwide tobacco sale age of 21 with FDA enforcement, and states would remain free to enact their own state tobacco 21 laws but could consider these bills without the threat of losing federal substance abuse funding hanging over them.

We are pleased to see growing bipartisan support for raising the tobacco sale age to 21. Raising the age will help reduce youth use of e-cigarettes, which increased by an alarming 78 percent among high school students last year, and use of other tobacco products. Tobacco use remains the leading cause of preventable death in the United States and is responsible for approximately \$170 billion in health care costs each year. We urge the Senate to raise the tobacco sale age to 21 and take additional steps to reduce youth use of e-cigarettes and other tobacco products, including cracking down on flavored tobacco products.

Sincerely,

Action on Smoking & Health
American Association for Dental Research
American Association for Respiratory Care
American College of Obstetricians and Gynecologists
American Psychological Association
American Public Health Association
American School Health Association
Americans for Nonsmokers' Rights
Association of Schools and Programs of Public Health
Big Cities Health Coalition
Campaign for Tobacco-Free Kids
Cancer Prevention and Treatment Fund
Catholic Health Association of the United States
ClearWay Minnesota
Counter Tools
March of Dimes
National Association of County and City Health Officials
National Association of Pediatric Nurse Practitioners
National Association of School Nurses
National Hispanic Medical Association
National Network of Public Health Institutes
Oncology Nursing Society
Prevention Institute
Public Health Solutions
Society for Cardiovascular Angiography and Interventions
Students Against Destructive Decisions
The Society of State Leaders of Health and Physical Education
Trinity Health