

More than 100 U.S. cities raise smoking age to 21



Cleveland isn't the only U.S. city to raise the legal age limit for tobacco products to 21. (*Marvin Fong, The Plain Dealer Publishing Co.*)

CLEVELAND, Ohio – In raising the legal age for tobacco products to 21, [Cleveland followed the lead](#) of more than 100 U.S. cities, including New York and Kansas City in both Kansas and Missouri.

In Massachusetts alone, more than 80 communities have increased the legal age, even though the state requirement to buy cigarettes is 18, according to Donald J. Wilson, director of the [Massachusetts Municipal Association](#). Mostly, local health commissions, not legislatures, enacted the changes.

The [Boston Public Health Commission](#) is scheduled to vote Dec. 17 whether to follow suit.

So far, there have been no legal challenges to the changes in Massachusetts. But Healdsburg, a town of 12,000 in northern California, received a letter threatening suit by the [National Association of Tobacco Outlets](#), after the Healdsburg City Council upped the legal age for tobacco from 18 to 21 in October 2014.

Unlike Cleveland's new law, Healdsburg -- the first city in California to raise the legal age -- doesn't criminally charge retailers who sell tobacco to those under 21. Instead, it takes away their license to sell tobacco. But like Cleveland, Healdsburg does not punish tobacco buyers, only sellers who violate the law.

[California City Becomes First In State To Ban Tobacco Sales To Anyone Under 21](#)

The Healdsburg law

The Healdsburg age limit went into effect in July. Almost immediately, the city received a letter from National Association of Tobacco Outlets. The group threatened to sue Healdsburg over the new tobacco age limit, saying the city cannot supersede California law, which like most states sets the legal age at 18.

Tom Briant, executive director of the tobacco outlet association, which represents 51,000 retailers nationwide, said California is among about 25 states that carry preemption laws on tobacco, meaning the state age limit rules. Ohio is not a preemption state when it comes to tobacco.

Healdsburg Mayor Shaun McCaffery said the tobacco association has sent warning letters to other California cities, including San Francisco and Berkeley, which are considering raising the age limit. The cities are consulting with each other on how their might join legal forces.

"It's a fight the tobacco industry wants to have," McCaffery said. "They see their market shrinking and their business isn't doing very good."

In the meantime, Healdsburg has placed a moratorium on its new age limit, although McCaffery said the city may lift the moratorium in January.

Although the tobacco outlet group has not threatened Cleveland with a lawsuit, it did send council a letter, asking the body to reconsider, on Sunday.

"Our major concern is a vast majority of underage minors do not obtain tobacco from retail stores," Briant said. "Going to 21 isn't going to solve the problem, because most minorities obtain tobacco products from adult siblings, parents and older friends."

"We are asking (Cleveland) council to bring everyone together and look at other alternatives because all this is going to do is punish retailers," Briant said.

National trend

In October 2013, [New York City raised the legal age for tobacco products](#) to 21, according to the New York Times.

Opponents said citizens old enough to vote, drive and fight in wars should have the right to smoke, but proponents said the younger that people start smoking, the more likely it is they will become addicted.

[Kansas City, Missouri, raised the limit to 21 in November](#), at the same time Kansas City, Kansas, made the switch.

This was after a group led by the Greater Kansas City Chamber of Commerce and Blue Cross and Blue Shield of Kansas City started in October a ["Tobacco 21/KC" campaign](#). The goal was to urge every municipality in Greater Kansas City to up the age limit, the Kansas City Star reported.

The entire state of Hawaii has also switched to age 21. But FoxNews.com reported that [efforts in New Jersey, Utah and Colorado to raise the statewide legal age have failed](#) over the past two years.

Where it started

Needham, Massachusetts, was ground zero for the nationwide trend, McCaffery said. In 2005, it was the first city in the United States to increase the age limit, [according to the Needham Times](#).

Since then, smoking among young people in Needham has dropped by 50 percent. The average Needham high school student is three times less likely to smoke than the average American high school student, the Needham Times reported.

"The theory is that people ages 18-21 are conduits for those under 18 to get started with tobacco," McCaffery said.

A retired doctor in Healdsburg heard about what was happening in Massachusetts and lobbied council for a similar change in his city.

But Briant said the [Centers for Disease Control and Prevention](#), which surveys teens annually, found that smoking among teens has decreased to 9 percent over the last three years. In comparison, alcohol use – with its age limit of 21 – is at 35 percent among teens.

"When you take something away from a teen, they only want it more," Briant said. "The demand is there."

Briant said the [U.S. Food and Drug Administration](#) has recently completed a study on age and smoking and will soon present its findings. He said Congress may then set a national age limit for tobacco use, so cities should wait before acting on their own.