

Tobacco 21 movement gathers momentum in Minnesota

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By Sarah Brandt | 08/23/17

“Under 21, No Tobacco. It’s the Law.”

The new, green signs have popped up in convenience stores and gas stations across Edina this summer. For some customers, the signs are a reminder of the change that made headlines as Edina broke from its neighbors and [raised the legal age to buy tobacco products](#) within its city limits from 18 to 21. For others, their trip into a store like [Lang’s One Stop Market](#) is the first time they learn of the new rule.

“I get a lot of reaction from customers that come through,” Anita Lang, co-owner and co-founder of Lang’s, told me. “Older people say ‘Oh, that’s good. They’ll probably thank you later.’ Younger people say ‘How can just one city do this?’ ”

The comments from Lang’s customers are two sides of the conversation about legislation that has been developing both within Minnesota and across the country. Edina became the first city in the state to join that conversation on May 2 when its City Council voted to raise the legal age for purchasing cigarettes and vaping products from 18 to 21.

Soon, however, Edina will not be alone. Just a few weeks after Edina’s ordinance went into effect July 1, the St. Louis Park City Council [voted to raise its legal age of purchase to 21](#), effective Oct. 1. Further yet, city councils in towns like Detroit Lakes, Bloomington, Mankato and North Mankato have all been considering their own city ordinances, and state [Sen. Carla Nelson, R-Rochester](#), introduced [a bill \(S.F. 2370\)](#) in the Minnesota Legislature proposing raising the age across the state.

These moves in Minnesota are a part of the Tobacco 21 movement nationwide that has been picking up speed in the past few years. More than 260 cities and counties in 18 states have raised the age of purchase to 21, and five states (Hawaii, California, Oregon, Maine and New Jersey) have made Tobacco 21 state law. Three of the five (Oregon, Maine and New Jersey) just passed their age increases this summer, all within less than three weeks of one another.

The roots of the Tobacco 21 movement

When Dr. Rob Crane’s father died from lung cancer after years of smoking, he made a silent vow to take on the tobacco companies responsible for his father’s addiction. Busy balancing his time as a family doctor and a professor at Ohio State University, Crane finally got the chance to take on the issue during a sabbatical in 1996. While looking around for ways to make a difference, he noticed that although drinking was not legal until 21, tobacco was still legal at 18. “It didn’t make sense to me.”

Dr. Rob Crane

Crane founded the [Preventing Tobacco Addiction Foundation](#) that same year, and took on Tobacco 21 as the group’s main campaign. Tobacco 21 policies aim to reduce the incidence of addiction by restricting youth access to tobacco products. Since nearly 95 percent of addicted adult smokers start before age 21, these policies aim to prevent addiction when it is most likely to develop.

As the group’s first action, Crane took up raising the legal age of purchase in the group’s home state, Ohio. But after legislation failed there in 1996, and then in a number of other states in 1997, the push for Tobacco 21 stalled for a number of years. After nearly 10 years without progress, though, that changed with one Boston suburb.

The movement takes off

In 2005, Dr. Crane received a phone call from Needham, Mass. The 30,000-person town just 30 minutes from Boston had decided to raise its legal age of purchase to 21. Six years later, Crane received another phone call from the Boston suburb, this time to report the effects of the law. Needham had completed a survey comparing smoking rates within its city limits to those in the surrounding towns, and its findings were staggering. They found that frequent smoking in Needham had dropped 62 percent, a decrease nearly triple that in the surrounding cities.

“That was the beginning,” Crane said. “Then a couple of Harvard pediatricians took up the cry and, like Paul Revere, went city to city and managed to convince about half a dozen suburbs around Boston to adopt Tobacco 21 laws.”

With the movement gaining force in Massachusetts, cities and states elsewhere began to take notice. In Nov. 2013, New York City and the Big Island, Hawaii, adopted Tobacco 21 laws. A number of other cities followed in the next two years until what Crane calls “the real help” came in 2015.

That year, the [Institute of Medicine released a study commissioned by the FDA](#) on the public health implications of Tobacco 21. One of its key findings was that raising the age of purchase nationally would lead to a 25 percent decrease in smoking initiation among 15- to 17-year-olds. “That got everybody’s attention,” Crane said. “It made the scientific and medical fields sit up and take notice, because it predicted that if we went to 21 nationally, [it would save 4.2 million lives.](#)”

Since that report came out, Tobacco 21 legislation has expanded rapidly. The number of cities with Tobacco 21 legislation has more than doubled from 125 cities just one year ago to more than 260 cities today. Now, nearly 25 percent of the U.S. population lives in a city or state where the minimum legal age of tobacco purchase is 21.

Tobacco 21 takes hold in Minnesota

On March 7, [Edina Mayor Jim Hovland](#) gathered with the rest of the [City Council](#) to hear a presentation from Edina’s [Community Health Commission](#). If Edina adopted a Tobacco 21 policy, they said, the city would reduce youth smoking rates and save lives. Hovland was so convinced by the presentation that he still remembers his surprise when he learned that no other city in the state had yet adopted Tobacco 21.

“It seemed to me hearing the data that we would be far from the first,” Hovland said. “But it didn’t matter whether we were first or tenth, what was important was that we were making a solid public health decision.”

Less than two months later, the council voted unanimously to be the first city in the state to raise its legal age.

Meanwhile, just across city limits, the same conversation went on at St. Louis Park’s City Hall. Before learning that Edina was considering Tobacco 21 laws, St. Louis Park’s [City Council](#) had also started discussing the issue. Not long after Edina’s law took effect July 1, the [St. Louis Park Council voted 5-0 on July 17](#) to make its city the second in the state to pass legislation of this kind.

One of those votes in favor came from [Susan Sanger](#), a 21-year veteran of the council, who said the reason she and her fellow council members supported the bill was twofold.

“One reason was to try to protect and improve the public health for the community,” Sanger said. “The second



reason was to start to build the momentum to get other communities to pass the same kind of ordinance with the hope that the Minnesota legislature would pass this state-wide.”

Though no other communities in the state have yet put Tobacco 21 to a vote, some are close.

Detroit Lakes has drafted an ordinance to be discussed Sept. 21; Bloomington is “looking favorably” at drafting an ordinance that would have the city adopting Tobacco 21, according to [City Manager Jamie Verbrugge](#); [Mankato and North Mankato are likely to pass Tobacco 21](#) ordinances, despite disagreements between the two cities that have delayed the voting process.

Elsewhere in Minnesota, these conversations are just beginning. Six cities in the greater St. Cloud area, for example, will open discussion on Tobacco 21 at an all-cities meeting Aug. 29.

Anne Mason Yoder, the senior public affairs manager for [ClearWay Minnesota](#), a nonprofit that runs Quitplan® and works to reduce tobacco exposure, has noticed the recent increase in interest in Tobacco 21.

“We’ve supported the policy for a number of years, but we’ve really seen elected officials take action in the past few years,” Mason Yoder said.

At the state level, that action was spearheaded by Nelson when she introduced a bill May 4 to expand Edina’s policy statewide. Though her proposal came too late in the legislative session (the deadline for committees to act on bills was March 31), Nelson hoped to ride off the momentum generated by Edina’s move to spark serious conversations about implementing this statewide before the start of the upcoming legislative session next January.

State Sen. Carla Nelson

The Republican senator from Rochester sees the age increase as a bipartisan issue supported by Minnesotans across party lines. In fact, a 2015 survey from the [Centers for Disease Control and Prevention](#) found that 75 percent of Americans, including 70 percent of smokers, would support Tobacco 21 legislation.

Erin Simmons, the senior manager of tobacco control for the [American Lung Association in Minnesota](#) said that in her experience advocating for Tobacco 21, the data behind these laws are what has been most convincing for people.

“When we look at a 25 percent reduction in youth use, that’s big and really has the potential to save lives,” Simmons said. “That number has really been compelling for people.”

Youth cigarette use rates have been on a continual decline to historic lows, according to 2016 surveys. Nationwide, 8 percent of high school students say they smoked in the past 30 days, and in Minnesota, the rate was at 8.4 percent.

High school use rates for electronic cigarettes, however, which are also covered by Tobacco 21 laws, have been increasing since 2011. At the national level, the electronic cigarette use rate was at 11.3 percent, while in Minnesota it was at 17.1 percent. Crane says that when it comes to youth tobacco use, nicotine, present both in cigarettes and electronic cigarettes, is the biggest concern because of its addictive nature.

In Minnesota, retailers adjust

In a quiet, residential neighborhood of Edina, the [Edina Market & Deli](#) sells hot foods, baked goods, and as of July



Anita Lang, co-owner of Lang's One Stop Market off of Highway 100, one of the 13 licensed tobacco retailers in Edina impacted by the ordinance.

Simmons agrees that a statewide policy is important, but thinks that it is more important that communities address the issue now, rather than wait for action from the state. "Why wait?" Simmons asked. "Let's act now because it has such a tremendous potential to reduce tobacco's harm."

In fact, local legislation may need to predate statewide action. Tobacco restrictions in Minnesota have historically started as grassroots movements that progressed up to the state Capitol. Before the state passed the Freedom to Breathe Act, the law banning smoking in public places statewide, in 2007, cities from Duluth to the Twin Cities had been enacting their own smoking bans, starting with the small town of Moose Lake in 2000.

Tobacco 21 legislation nationwide has followed a similar pattern. In the states that have raised the legal age for purchasing tobacco so far, at least one major municipality has preceded state action. "Legislators takes notice when that happens," Crane said.

In Minnesota, that would mean that an age increase in Minneapolis or St. Paul might make a big difference. At the moment, neither city is seriously considering Tobacco 21 legislation, though the idea was brought up when Minneapolis was discussing limiting sales of menthol-flavored tobacco to adult-only shops. Some opponents of the Minneapolis ruling felt that Tobacco 21 laws were a more appropriate way to curb youth smoking than the menthol flavor restrictions, [which passed earlier this month](#).

Criticisms of the legislation

For a statewide age increase to be possible, the Tobacco 21 movement would need to overcome opposition from many of its critics. One critic is the Coalition of Neighborhood Retailers, a group of five retail trade associations in Minnesota that would be impacted by Tobacco 21 laws, including the [National Association of Tobacco Outlets](#) (NATO). The executive director of NATO, Thomas Briant, said that the biggest issue with Tobacco 21 ordinances is the fact that they police purchasing rather than possession.

"If you still allow use and possession, what benefit is there from a health perspective?" Briant asked. "There is none. It's really disingenuous to say there's going to be a health benefit when there's really not going to be."

Though proponents of Tobacco 21 point to Needham to defend the health benefits of the laws in practice, data still remain scarce. No city has conducted a thorough study to corroborate the findings in Needham, and no state has had its law in place long enough to meaningfully study the effects on youth smoking at the level of state law.

One early issue that has materialized in places with Tobacco 21 legislation in place is that of enforcement. Crane calls Hawaii a "shining light" when it comes to enforcing the laws, as the state pays police to ensure retailers aren't selling to those underage. California, on the other hand, has "the best intentions but no enforcement activity planned."

In Minnesota, though, Crane thinks enforcement will be less of an issue. Because of Minnesota's "good record" of enforcing the 18-year-old age minimum, Crane calls Minnesota well-positioned to "do it right."

Even if the policy is well-enforced, skeptics argue that youths could still have someone older purchase tobacco for them. Currently, however, 90 percent of those who buy tobacco for minors are between the ages of 18 and 21. Proponents like Sen. Nelson hope that by raising the legal age of purchase to 21, these laws will cut off social sources of tobacco, like the 18-year old classmate that an underage high school student sees every day in the hallways.

"When I was in high school, you could purchase alcohol at age 18, and the challenges that caused in the high school

environment are very similar to what we are seeing right now with the purchasing of tobacco,” Nelson said. “It should be a statewide policy like what we’ve done for alcohol.”

For some people, regardless of whether these laws are effective in practice or not, the issue with Tobacco 21 ultimately comes down to a question of rights.

“These are adults who can vote, get married, go in the military, sign contracts, Briant said. “They have rights as adults, and they should be allowed to make a decision whether they purchase legal products or not.”

Though she was generally supportive of a statewide age increase, Lang said she would feel slightly uncomfortable with the law for the same reason. “You can graduate from high school, go into the military, serve for two years, come in here in your uniform and I can say ‘Oh, I can’t sell to you.’ I think that’s kind of stinky. It’s kind of discriminatory.”

In fact, frustration with this aspect of the law in California drove lawmakers to include an exemption for military personnel between the ages of 18 and 21.

Although momentum is increasing behind these policies, failure rates are certainly still high. Twenty-three different state legislatures offered a Tobacco 21 bill this past year, 20 of which failed. Crane said one huge barrier that remains is overcoming the influence of tobacco lobbyists. And though the time to vote on Minnesota’s statewide bill is still some ways away, Gov. Mark Dayton issued a statement in May saying he was “undecided” about raising the legal age of purchase.

“I support the goal of reducing smoking by young Minnesotans,” Dayton said. “However, people who are 18, 19 and 20 years old are legally adults, who should generally be allowed to make the same personal decisions as older adults.”

Nevertheless, Mason Yoder remains optimistic. “I think it will start to fall like dominoes,” she said. “Hopefully by the next legislative session enough local action will have taken place, and we can all have a more educated discussion about the possibility for it statewide.”