

# Raising the Minimum Legal Sale Age to 21

The large majority of smokers start smoking before age 21. According to the National Survey on Drug Use and Health over 80% of adult smokers smoked their first cigarette before they turned 18, and nearly 95% started before age 21 [1]. Raising the minimum legal sale age to 21 has the potential to be an effective strategy to reduce tobacco use among young people by preventing more of them from ever picking up the habit.

## What is the Minimum Legal Sale Age?

The minimum legal sale age (MLSA) prohibits retailers from selling tobacco products to anyone under that age. In most places across the country, that age is set at 18. Four states (Alaska, Alabama, New Jersey, and Utah) have a minimum age of 19. However, momentum is building across the country to raise the MLSA to 21 to prevent more youth from initiating tobacco use.

In 2005, Needham, Massachusetts was the first town in the US to enact a law raising the MLSA to 21. As a result, smoking rates decreased by 47%, [three times](#) as much in the four years following as rates in towns surrounding Needham [2]. Since then, many other Massachusetts towns and counties have done the same, including Arlington, Sharon, Canton, Ashland, Wellesley, Dedham, Dover, Norwood, Scituate, West Boylston, Hudson, Winchester, Wakefield, Reading and Melrose Counties, [Lawrence](#), [Andover](#), [Montague](#), [Leverett](#), and [more](#).

New York City made news in October, 2013 when they passed [historic tobacco control legislations](#), including [raising the Minimum Legal Sale Age to 21](#). Other communities nationwide have now followed suit, including Suffolk County, NY, [Hawaii County, HI](#), [Evanston, IL](#), and [Columbia, MO](#).

As of January 2015, the total list includes over [50 cities in 7 states](#). The first state-wide initiatives to raise the age to 21 has been proposed in [California](#), [Hawaii](#), [Massachusetts](#), [Rhode Island](#), [Utah](#), [Vermont](#), and [Washington](#). The idea now enjoys broad public support from over 70% of nationally surveyed adults, including from current smokers and from individuals aged 18-21, who would be most impacted by the law [3].

## WHY RAISE THE AGE TO 21?

Over 3.6 million middle and high school students still smoke [4]. According to the [2012 Surgeon General's report](#) youth initiation is a major factor in the tobacco epidemic. A model developed by researchers at UC Irvine showed that smoking prevalence for 15-17 year olds would drop from 22% to 9% in only seven years if the age of purchase were increased to 21 across the U.S. [5]. Models in a recent [report by the Institute of Medicine](#) suggest that smoking prevalence overall will drop significantly between 2015 and 2100 due to previously instituted tobacco control policies even with the MLSA at the status quo. However, they project that smoking prevalence would drop by an [additional 12%](#) if the MLSA were raised to 21, compared to only an additional 3% if the MLSA were raised to 19.

Tobacco use is costly to society. Every year, smoking costs the US [\\$301 billion](#) in health care costs, lost productivity, and premature death. If the MLSA were raised to 21, simulations project a net cumulative savings of \$212 billion dollars through decreased projected prevalence of tobacco use and the subsequent savings in medical costs [6]. Population health gains in terms of both length of life and health-related quality of life are likely to be 7 times greater when youth smoking initiation is prevented, rather than encouraging cessation among adults once they are already smokers [7]. According to the [Institute of Medicine](#), if the MLSA were raised to 21 now, it could prevent 223,000 premature deaths, 50,000 deaths from lung cancer, and 4.2 million years of life lost.

A higher MLSA limits social channels through which youth can get enough cigarettes to develop a regular smoking

habit. Youth frequently rely on getting cigarettes from the 18-20 year olds in their social circles [8]. Raising the MLSA reduces access to legal buyers in their daily routine (especially at school) and limits successful store purchases [5].

Recruiting young adults as [replacement smokers](#) has long been a tobacco industry strategy to sustain their business. Smokers who start at an early age are more likely to become regular and heavy smokers [10]. But as one [RJR Reynolds researcher said](#) in 1982,

**If a man has never smoked by age 18, the odds are three-to-one he never will. By age 24, the odds are twenty-to-one.**

Motivated by this knowledge, the tobacco industry markets directly to 18-21 year olds through promotions and marketing [at bars, clubs, and parties in college towns](#) as well as tobacco corporation-sponsored music and sporting events, capitalizing on this age group's transition to adulthood as an opportunity to hook them on nicotine [4,9].

While enforcement will require regular compliance checks, raising the MLSA will create less ambiguity for sales clerks [5]. With the legal age currently set at 18, teens who look older than 16 have a higher success rate in purchasing tobacco products [5]. However, if the legal age is raised to 21, the same legal age to purchase alcohol, ID checks could become streamlined and less burdensome for retailers [3].

## REBUTTING THE ARGUMENTS AGAINST TOBACCO 21

Claim

Reality

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Impact on Retail: Raising the minimum legal sales age to 21 would hurt business for tobacco retailers

Smokers in the 18-20-year-old age range make up 3.06% of the total adult smoking population, and they account for 2.12% of total cigarette consumption in the US [2]. This means that if the national MLSA was raised to 21, tobacco retailers would only immediately lose up to 2% of total cigarette sales [2]. Tobacco retailers could then adjust to the changing market conditions and the longer-term effects on smoking prevalence just as alcohol retailers did when the drinking age was raised to 21 [2]. In the four years following Needham, Massachusetts's law changing to legal age to 21, high school smoking rates dropped 47% in 4 years following the change, but no tobacco retailers have gone out of business as a result [2].

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### Claim

Community and state bans may have limited impact because individuals can still cross the state line or go to another town to purchase tobacco.

### Reality

During the following four years after Needham, MA raised the minimum legal sale age to 21, smoking rates decreased over twice as much as rates in surrounding towns. Read the [Tobacco 21 Massachusetts](#) for more information.

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### Claim

### Reality

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Since 18 is the legal age for voting and military service, 18 should be the age for purchasing tobacco, too.

Brain development is not complete until the 20's, and nicotine can [chemically alter](#) a teen's developing brain, making them more susceptible to nicotine addiction later. At this vulnerable age, teenagers may also incur more lasting damage from tobacco smoke [\[4\]](#).

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