

Cleveland bans tobacco, e-cigarette sales to people under 21



Cleveland City Council on Monday outlawed the sale of smoking products, including electronic cigarettes shown here, to people under the age of 21. (*The Associated Press*)

CLEVELAND, Ohio -- Soon, smokers under the age of 21 will not be able to buy cigarettes, tobacco or other smoking products, including electronic cigarettes, in the city of Cleveland.

City Council on Monday [passed legislation banning the sale or distribution](#) of the products to young adults, in the hope that increasing the minimum sales age from 18 would disrupt the supply to adolescents and teens.

Council also passed a resolution calling for the city to follow the Cleveland Clinic's lead and begin hiring only non-smokers by 2017 -- a change that Councilman Joe Cimperman, who sponsored the legislation, believes could mark an overall shift in Clevelanders' attitudes about smoking.

Council members Dona Brady and Brian Kazy voted against both pieces of legislation. Michael Polensek voted no on increasing the minimum sales age.

Some council members expressed concern at recent committee hearings that the legislation increasing the minimum purchase age would criminalize the act of young adults sharing cigarettes among friends and would unfairly target the black community by making cigarette use probable cause for stopping black youths.

That issue was resolved with an amendment Monday, clarifying that the new restrictions apply only to vendors who sell tobacco and smoking products, and not to consumers.

Under the ordinance, a first offense would be a fourth-degree misdemeanor, punishable by up to 30 days in jail or a \$250 fine. Subsequent offenses would be second degree misdemeanors, which could carry a 90-day jail sentence.

Councilman Matt Zone asked during Monday's committee hearing if the city's Health Department could assume responsibility for enforcement, instead of police.

Council can revisit that issue and propose amendments before the law takes effect, 120 days after Mayor Frank Jackson signs it into law, Council President Kevin Kelley said.

Council has postponed a vote on a third piece in the package that would ban the sale of flavored tobacco products everywhere but in retail tobacco stores.

Kelley said in an interview Monday that the council is still seeking to clarify aspects of the ordinance, such as what constitutes a "flavor" and whether menthol cigarettes fall under that category.

Cimperman said the legislative package is intended to protect teenagers from becoming addicted to cigarettes and falling victim to the lifelong health problems associated with smoking.

Dr. Rob Crane, president of Tobacco 21, a Columbus-based agency urging state and local governments to increase the legal minimum sales age, testified that new data provide strong evidence that such laws can decrease the number of adolescents who start smoking by as much as 25 percent.

Crane said such laws work because young adults between the ages of 18 and 20 make up only two percent of cigarette sales -- but represent 90 percent of the suppliers to kids under 18. Increasing the legal purchasing age would naturally interrupt the supply to teens, he said.

And limiting access to flavored smoking products makes youths less likely to begin smoking, experts testified.

The package of ordinances has drawn criticism, however, from convenience store owners, who testified before Council's Health and Human Services Committee that the restrictions would undercut their businesses and seem to favor big smoke shops -- most of which are located on the city's West side.

The controversial package of ordinances also would limit the sale of flavored tobacco products and urge Mayor Frank Jackson's administration to hire only non-smokers in the future.

