

# Brian Donohue column: Tobacco 21: Addressing the right problem the wrong way

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By Brian Donohue

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Nearly 95 percent of adults who smoke started before age 21, so we applaud our state legislators for wanting to reduce the use of tobacco, including e-cigarettes, for those younger than 21. However, the proposed bill as it is drafted will not provide the public policy results legislators are looking for and will not have support from the American Cancer Society Cancer Action Network (ACS CAN).

It is important to closely evaluate each proposed Tobacco 21 bill as the tobacco industry has a history of using age of sale laws to weaken restrictions on sales to youth, penalize youth, create carve-outs for certain products, and to interfere with other effective tobacco control policies.

ACS CAN has been working to advance effective Tobacco 21 legislation across the nation for several years. What we have learned from these debates is that the legislative focus needs to be on the sale — not the purchase — of tobacco and e-cigarette products. We have also seen that penalizing and fining youth who purchase tobacco and e-cigarettes has proven not to be an effective way to reduce consumption. Therefore, as this bill is drafted, it will not have support from ACS CAN.

The Tobacco 21 legislation needs to address three critical areas of concern in order to have the greatest impact: focus on the sale of tobacco and e-cigarettes rather than the purchase, require licensing for all retailers that sell tobacco and e-cigarette products, and fund prevention and cessation programs to help reduce youth tobacco use.

This bill retains penalties for youth who purchase, use, and possess tobacco and e-cigarette products. We have learned from working Tobacco 21 bills across the states that laws that focus on the purchaser rather than the seller fail to reduce youth consumption. Virginia's current law unfairly penalizes youth, many of whom became addicted at an early age due to tobacco industry marketing campaigns. This takes the spotlight off Big Tobacco and retailers and shifts it onto the victims — our youth.

Not licensing retailers makes enforcement and holding retailers accountable next to impossible. For Tobacco 21 laws to be effective, there must be strict enforcement to ensure a high rate of compliance. We recommend the proposed bill be amended to require retailers to be licensed, designate an enforcement agency, identify a dedicated funding source for enforcement, require annual unannounced compliance checks, increase fines and penalties

including license suspension and revocation for retailers found out of compliance, provide for citizen complaints of violations, require appropriate signage at retail stores, and, lastly, provide retailer education.

Our final concern is that many young people who smoke are already addicted. Some research suggests that penalizing youth could deter them from seeking support for cessation. Promoting and increasing funding for tobacco prevention and cessation resources for teens interested in quitting would be a more beneficial alternative to fines and punishment.

Without the amendments outlined above, this bill will prove to be ineffective, feel-good legislation that allows the tobacco and e-cigarette industries to support this measure while presenting themselves as good corporate citizens who are doing the right thing.

We urge lawmakers to oppose this bill as drafted and work to seize this opportunity to pass meaningful legislation that has proven to effectively reduce youth consumption of all tobacco and e-cigarette products. ACS CAN stands ready to work with legislators on amendments needed to make this bill an effective vehicle for protecting our young people from a lifelong addiction to tobacco and e-cigarette products.