

# Shame on DeSantis for Vetoing New Tobacco Age Limit | Opinion

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*Gov. Ron DeSantis, seen here at a roundtable with transportation industry leaders, vetoed a bill that would have raised the age to purchase tobacco to 21 years old in state law. (Joe Burbank/Orlando Sentinel/TNS)*

On Sept. 9, those of us who are working to reduce youth nicotine addiction in our community learned that Gov. DeSantis had vetoed SB 810, Florida legislation designed to reduce youth access and exposure to all tobacco products, including e-cigarettes and other vaping devices. This public health legislation was sponsored by state Sen. David Simmons, R-Longwood, and state representatives Jackie Toledo, R-Tampa, and Nicholas Duran, D- Miami. The legislation was also supported by Florida Attorney General Ashley Moody.

You may be wondering what was so controversial in this bipartisan legislation the governor felt compelled to stop the law from being implemented?

As passed by both houses of the Florida Legislature, the legislation would have done the following:

- Raise the age for tobacco sales and purchase to 21, making Florida law consistent with current federal law.
- Classify vaping products and e-liquids as tobacco products, making Florida law consistent with the current federal law.
- Ban the sale of any flavored products in Florida that were banned by the FDA — again, making Florida law consistent with federal law.
- Require free-standing vape retailers to obtain a retail license through the Florida Division of Business and Professional Regulation. The only difference here is that vape retailers would get that license *free of charge*, instead of paying the \$50 fee required by every other tobacco retailer in the state.

To be fair, it might seem redundant for Florida to pass law to simply restate current federal law. For example, if the age to buy and sell tobacco is 21 nationally, it is 21 in Florida by default.

The answer lies in the enforcement of the rules. The federal law is enforced by the FDA and federal law enforcement agencies. Those agencies need to travel from Washington, D.C., to conduct compliance checks in our communities and ensure that tobacco retailers are not illegally selling products to our children and teens. However, without a state law, the Florida ABT and our local sheriffs cannot conduct similar compliance checks, which reduces the frequency of those compliance checks. In addition, the lack of a licensing system for vape retailers means that they can hide in the shadows, as Florida will not have a comprehensive list of just where these vape retailers are operating.

Poor enforcement of our current state rules, including the marketing of kid-friendly flavors targeting youth, has led to an epidemic of vaping and nicotine addiction among Florida's teens. Currently, over 25% of Florida's high school students vape, while less than 5% of the same group currently uses cigarettes, cigars, spit tobacco or hookah.

In his comments regarding his veto, DeSantis did not address this youth epidemic. Instead, he seemed more concerned that "this legislation would almost assuredly lead more people to resume smoking cigarettes and it would drive others to the hazardous black market." That is a cop-out. That is the same argument as "we shouldn't have speed limits because people are going to speed." I understand that people might break the law. By definition, they are criminals. That does not mean we should not pass rules to protect our citizens from traffic fatalities — or rules to protect our teens from the predatory practices of an industry that exists only to make a profit on the backs of addicts.

There is a silver lining in this veto. The Tobacco Control Act of 2009 allows local communities to regulate the time, place and manner of tobacco sales and marketing. Every municipality in Broward County can pass their own Tobacco Retail License, raise the age to 21, ban the sale of any-and-all flavored tobacco products including vaping devices and e-liquids, and enforce those rules locally. Alachua County did all those things, charging a fee for the local license that offsets the cost of enforcement.

Our kids deserved better from our governor. Since the state has abdicated its responsibility with regards to protecting our youth from the vaping industry, it is time for local governments to step up and hold these retailers responsible.

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