



**County
Health Officials
of New York**
Leading the way to healthier communities

SUPPORTS

A.273/S.3978 (Rosenthal/Savino)

AN ACT to amend the public health law, the penal law and the administrative code of the city of New York, in relation to increasing the purchasing age for tobacco products from eighteen to twenty-one

The New York State Association of County Health Officials (NYSACHO) supports the above-referenced legislation to restrict the purchase of tobacco products, e-cigarettes or herbal cigarettes to individuals age 21 and older.

Although New York State has seen a substantial decline in smoking rates for adolescents ages 12 to 17, that decline has stalled in recent years, concurrent with an increase among adolescents in the use of other tobacco products, such as small cigars and e-cigarettes.

According to the US Surgeon General, tobacco use is one of the most important sources of preventable illness and premature death. Data indicates that 95 percent of adult smokers begin before the age of 21 and 80 percent light their first smoke before the age of 18. As far back as 1982, the tobacco industry acknowledged that initiation of smoking before age 18 substantially increased the risk of becoming a life-long smoker. Change from experimental smoking to regular smoking typically occurs around age 20. While we often consider age 18 to be the age one becomes an adult, the biology of adolescent brain development says otherwise when it comes to risky behaviors such as tobacco use. Brain development continues up to around age 25, thus making adolescent brains particularly vulnerable to the effects of nicotine. The developing parts of the brain include those that impact:

- Decision-making
- Sensation seeking
- Impulse Control
- Peer susceptibility and conformity
- Sense of future perspective

Simply put, the science runs contrary to the current purchase age of 18. Increasing the minimum age of legal sale to 21 would decrease access, and therefore, subsequent addiction, during this critical period for brain development.

A second issue related to the current legal purchase age is the means by which adolescents typically gain access to tobacco products. Social sources supply tobacco products for most underage smokers, and 90% of those supplying cigarettes to minors are 18-20 years in age. Although minors routinely encounter 18-19 year olds at school and other places, their social circles are far less likely to include 21 year olds. A 2015 Institute of Medicine Report projects that if the age of purchase is raised to 21, there will be substantial reductions in mortality from smoking, immediate improvements in the health of adolescents, reduced exposure to second-hand smoke and improvements to maternal and child health. Current law bans the legal age of sale to those under the age 21 for alcohol, gambling, and in states where it is legalized, marijuana sales. Tobacco use is more deadly than all those activities.

If enacted, this policy will result in a significant reduction in minors' access to individuals who can legally purchase tobacco and lead to improved health outcomes. NYSACHO therefore recommends this bill be enacted into law.

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