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NEW YORK’S PROGRESSIVE LEGACY IN FIGHT AGAINST TOBACCO AT RISK AS MASSACHUSETTS, MAINE, NEW JERSEY AND OTHER STATES RAISE LEGAL TOBACCO PURCHASE AGE TO 21

New York’s County Health Officials Asking Governor, Legislature to Raise Legal Age to 21 to Protect Young New Yorkers From Ravages of Tobacco Use

(Albany, New York. January 3, 2019) A new Massachusetts law took effect on December 31, raising the legal age for tobacco purchase in the Bay State to 21, drawing a sharp distinction to New York where leaders have yet to pass the same basic protections. Massachusetts joins New Jersey, Maine, California, Hawaii and Oregon in an elite group of progressive national leaders that have acted to protect young adults from the health risks associated with tobacco use.

New York has long been a national leader in the fight against tobacco, adopting the Clean Indoor Air Act and spending tens of millions of dollars on anti-tobacco advertising and programs.

The New York State Association of County Health Officials (NYSACHO) has long supported the state’s aggressive stance against tobacco, and is calling on state leaders to continue building on this legacy by passing legislation restricting the purchase of tobacco products, e-cigarettes and flavored tobacco to individuals age 21 and older.

“Raising the legal tobacco purchase age to 21 will protect thousands of New Yorker’s from disease and death caused by tobacco use,” said NYSACHO President Paul Pettit, who also serves as Public Health Director for Genesee and Orleans County Health Departments. “Current laws restrict people under the age of 21 from alcohol and gambling, yet complications from long-term tobacco use are more dangerous than both of those activities. It’s clearly time to act.”

Much of the state has already signaled very strong support for increasing the legal age to 21. In fact, as of January 2019, 25 municipalities, including 16 counties and all five New York City boroughs, have passed Tobacco 21 laws at the local level. Comprised of both rural and urban counties, those who have passed local laws include: Albany, Cattaraugus, Chautauqua, Cortland, Essex, Nassau, Onondaga, Orange, Putnam, Rockland, Schenectady, Suffolk, Sullivan, Tompkins, Ulster and Westchester.

According to the US Surgeon General, tobacco use is one of the most important sources of preventable illness and premature death. National data indicates that 95 percent of adult smokers begin smoking before the age of 21, and changing from an experimental smoker to a regular smoker typically occurs around age 20¹. As far back as 1982, the tobacco industry acknowledged that initiation of early smoking substantially increased the risk of becoming a life-long smoker.

Additionally, a 2015 Institute of Medicine report projected that if the age of purchase is raised to 21, there would 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 health².

While age 18 often is considered to be the age one becomes an adult, the biology of adolescent brain development says otherwise, especially when it comes to risky behaviors such as tobacco use. Brain development continues up to age 25, thus making adolescent brains particularly vulnerable to the effects of nicotine. The developing parts of the brain most impacted include those that affect decision-making, sensation seeking, impulse control, peer susceptibility and conformity, and sense of future perspective.

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

Pettit added that the state’s recent push to legalize recreational marijuana, if passed, must also include protections for persons under age 21, among many other public health protection considerations. NYSACHO opposes the legalization of recreation marijuana. To view NYSACHO’s press release concerning the public health impacts of marijuana, visit: <https://www.nysacho.org/wp-content/uploads/2018/12/NYSACHO-Press-Release-Regulated-Marijuana-FINAL-12-18.pdf>.

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Resources

1. United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Increasing MLSA for Tobacco to 21 / 7 Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>; see also Table 2-8 in Institute of Medicine, Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products, Washington, DC: The National Academies Press, 2015, <http://iom.nationalacademies.org/Reports/2015/TobaccoMinimumAgeReport.aspx>
2. Institute of Medicine, Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products, 2015