

NEW TOBACCO LAWS EFFECTIVE JUNE 9, 2016

California Tobacco Control Program

Key Messages

Topline Messages

- Today marks a significant moment in California's history as new tobacco control laws go into effect across the Golden State.
- Effective June 9, 2016, the minimum age of sale for tobacco increases from 18 to 21, and for the first time under state law, e-cigarettes are added to the existing definition of tobacco products.
- This is the first time the tobacco age of sale law has changed in 144 years.
- California is taking a big step forward in preventing a new generation of young people from becoming addicted to nicotine. E-cigarettes typically contain nicotine, a highly addictive neurotoxin. Research shows that the brain continues to develop until age 25, and nicotine exposure before that age may cause permanent brain damage and fuel a lifelong battle with addiction.
- The new Tobacco 21 law is a potentially lifesaving measure in our state where 34,000 people still die from tobacco related diseases every year.
- Our priority is reaching out to more than 34,000 retailers with tobacco licenses and vape shops with the information and resources needed to comply with this new law.
- Governor Jerry Brown signed the landmark bills into law on May 4, 2016.
- California is the second state in the nation to raise the minimum age for tobacco sales to 21.
- The new tobacco 21 law will be largely enforced by CDPH and local police departments, which may conduct compliance checks for illegal tobacco sales.
- For more information about the new Tobacco 21 law, visit www.cdph.ca.gov/tobacco
- For those struggling with nicotine addiction, there are resources available to help. Call the Smoker's Helpline at 1-800-NO BUTTS or go to www.nobutts.org. It's never too late to quit.

Tobacco 21 Law Explained

- Effective June 9, 2016, the minimum age of sale for tobacco increases from 18 to 21, and for the first time under state law, e-cigarettes are added to the existing definition of tobacco products.
- The law allows for one exemption, active duty military personnel in the US Armed Forces who are at least 18 years of age.

- California is the second state in the nation, after Hawaii, to raise the minimum age for tobacco sales to 21.
- As part of the new law defining e-cigarettes as tobacco products, e-cigarettes are also included in existing laws on marketing traditional tobacco products in retail stores. This includes eliminating self-service displays for e-cigarettes, e-liquids and any paraphernalia (e.g, vaping devices and accessories).
- In addition, e-cigarette use is not allowed anywhere smoking is prohibited, including public transit, worksites, restaurants, schools and playgrounds.
- E-cigarettes are the most commonly used tobacco product among middle and high school teens in California. They are enticing ‘starter’ products, and recent longitudinal studies show that teens who vape are three times more likely to smoke cigarettes a year later. Unfortunately, more than 217,000 California teens currently use e-cigarettes or smoke cigarettes.
- The surge in e-cigarette use by teens and young adults is no accident. The aggressive marketing of e-cigarettes and all of the various types of gadgets, devices and over 7,000 flavors, are jeopardizing our young people’s health.
- The Institute of Medicine estimates that raising the minimum legal age to 21 nationally could result in a 25% decrease in 15 – 17 year olds from starting to smoke. Why? Because youth would have a harder time passing as 21-year-olds, reducing underage sales.

Implications for Retailers in California

- We know retailers are committed to their neighborhoods, customers and communities, and will make every effort to abide by these laws, especially when it comes to protecting our state’s young people.
- First and foremost, retailers need to remember that tobacco products are highly addictive and deadly. These are not innocent products, even when they come in flavors like cotton candy or vanilla, or in bright, colorful packages.
- Second, as of today, all merchants must comply with the new law that changed the minimum age for selling tobacco from 18 to 21, including e-cigarettes.
 - Currently there are more than 34,000 businesses with a state license to sell tobacco. Convenience stores, gas stations, liquor stores, small markets, drug stores and supermarkets are the most standard types of businesses with a tobacco license, but there are a few nontraditional ones, such as donut shops or car washes.
 - The new age of sale law also applies to vape shops, which until now did not need a state tobacco license. This is a new group that will need to quickly become familiar with the tobacco laws.

- In many ways the new age limit will be easier to manage and very familiar to retailers. It now matches alcohol sales, where the minimum age of sale is also 21. More than 70% of tobacco retailers also sell alcohol.
- The best way to comply is to check IDs. Retailers know how to do this. Federal rules already require retailers to check ID for anyone who appears under the age 27. ID checking is the single most effective way to reduce illegal sales of tobacco.
- Third, the law now applies to e-cigarettes, vaping devices, vape pens, e-hookah, and any paraphernalia and component.
 - Sellers of e-cigarettes, including vape shops, need to follow the same retail laws as cigarettes.
 - Self-service displays are no longer allowed for e-cigarettes, liquids, devices or any paraphernalia. Keep in mind that for traditional cigarettes, self-service displays haven't been allowed for a decade.
- In terms of enforcement, this will continue to be done largely by the California Department of Public Health's Food and Drug Branch, which has been charged with enforcement responsibly under the Stop Tobacco Access to Kids Enforcement Act, commonly referred to as the STAKE Act. Local law enforcement can also conduct compliance checks.
- Selling electronic or traditional cigarettes to a person under 21 years of age may result in the suspension of a tobacco sales permit or a monetary penalty.
- We know the combination of education, enforcement and commitment by retailers makes a huge difference for protecting kids.

Resources for Retailers

- Today, we are launching an educational campaign to help retailers comply with the important new laws governing the sale of tobacco products.
- For the next few months, our focus will be on education. We know this is a shift in business practices and we are there to support you.
- The California Department of Public Health created a series of educational materials for retailers that will be available for download by visiting our website. It will include:
 - A letter summarizing the new laws
 - Required Age-of Sale Warning Sign (STAKE sign)
 - ID checking guide
 - Fact sheets and other resources
- The department is also mailing a packet to all tobacco retailers licensed by the State of California and known vape shops. The packet includes the materials available by download, two copies of the STAKE Act sign required to be posted at each point-of-sale, an order form to get more and a window cling.

Cessation Resources

- In California, there are about 3.4 million Californians who currently smoke or use e-cigarettes. Approximately 240,000 are between 18 – 20 years of age.
- Get help in quitting by visiting your healthcare provider, or by calling our free helpline that offers one-on-one support in six languages.
 - California Smokers' Helpline: 1-800-NO-BUTTS (800-662-8887), or visit nobutts.org for more information.
 - They offer help in quitting any type of tobacco product, including e-cigarettes.

Partners Tobacco 21 Media Response (internal use only)

These media responses were prepared for the CTCP-funded projects to assist in responding to requests from the media regarding the new Tobacco 21 law implementation.



Teleconference News Briefing Tobacco 21

June 9, 2016, 10:00 a.m.

Media Response Statements for CTCP- Funded Projects

Governor Jerry Brown signed landmark bills into law on May 4, 2016, which garnered a high amount of media coverage. Thursday, June 9, 2016 - the date the laws will go into effect - will also likely yield a great deal of media attention. We encourage you to talk with your local media outlets about the new laws. This creates a unified statewide public health voice that instills confidence in the laws' implementation.

Effective June 9, 2016, the minimum age of sale for tobacco products in California increases from 18 to 21, and for the first time under state law, e-cigarettes are added to

the existing definition of tobacco products. This is the first time the tobacco age of sale law has changed in 144 years.

Knowing the new law places the burden on California's approximately 34,000 retailers with tobacco licenses, CDPH is focused on reaching these retailers and vape shops with educational materials to help them comply with the new laws.

These response statements have been created to help you prepare for media inquiries you may receive after the teleconference:

- Today marks a significant moment in California history. This is the first time the state has raised the age of sale for tobacco products from 18 to 21 since the law first took effect 144 years ago. We have been waiting for this historic moment and these new laws make it clear that California is committed to the health and wellbeing of our community, particularly our young people.
- The new tobacco 21 law is a life saving measure in our state where 34,000 people still die from tobacco-related diseases every year. Delaying the age when youth first use tobacco is one of the most promising ways to prevent future cigarette smokers – and it positively effects the public health of our community.
- Just as we are committed to the health of our communities, so are the **(Insert the local # of stores in your area)** convenience store owners and retailers in the area. We know they will make every effort to abide by these laws, and we applaud The California Department of Public Health for providing the information and resources, in such a short time, that they need to comply with the new tobacco 21 law and help protect the health of our state's young people.
- For the first time under state law, e-cigarettes are added to the existing definition of tobacco products. This is significant because e-cigarettes are a growing problem in our community. E-cigarettes are used by teens more than any other tobacco product. They typically contain nicotine, a highly addictive neurotoxin that comes from tobacco plants, and research shows that nicotine exposure before the age of 25 may cause permanent brain damage. Research also shows that teens who vape are three times more likely to start smoking in a year. We applaud the state for taking this significant step forward in preventing a new generation of young people from becoming addicted to nicotine.
- We're confident that the combination of education, enforcement, and commitment by retailers will make a huge difference in protecting the health equity of youth across the state of California.