**Model Rhode Island Ordinance**

**Raising the Minimum Legal Sales Age for Tobacco Products to 21**

with Annotations

The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

**Introduction**

This Model Ordinance was developed to assist Rhode Island cities and towns interested in raising the minimum legal sales age for tobacco products and tobacco paraphernalia from 18 to 21 years old (“Tobacco 21”). Communities have adopted Tobacco 21 policies to reduce youth access to tobacco and limit the negative public health effects associated with tobacco use.

Communities that want to implement a stand-alone Tobacco 21 ordinance can adopt this model as is. Communities that have adopted local tobacco retailer licensing can integrate the ordinance’s operative provisions into their licensing scheme.

In some instances, italicized text within brackets (e.g., [ *Name of City/Town* ] ) prompt you to customize the language of the Model Ordinance to fit your community’s needs. You must replace the italicized text with the appropriate information and remove the brackets. In other cases, the Model Ordinance provides options (e.g., [ choice one / choice two ] ). Provisions entirely in *italicized text* (without brackets) are optional. If you include the optional provision(s) in your ordinance, remove the italics. If you choose not to include the optional provision(s), delete that text from the ordinance. Some Model Ordinance provisions are followed by comments that describe the legal components in more detail. Some degree of customization is always necessary to ensure the ordinance is consistent with a community’s existing laws. Your local government’s legal counsel is likely the best person to check this for you.

**Legal Authority**

Rhode Island cities and towns have the authority to legislate on local matters concerning public health and safety,[[1]](#endnote-1) and state law explicitly grants cities and towns the authority to enact ordinances and regulations “respecting the purchase and sale of merchandise or commodities within their respective cities and towns.”[[2]](#endnote-2) Therefore, cities and towns in Rhode Island likely have the authority to enact a local Tobacco 21 law raising the minimum legal sales age for tobacco products to 21. A comprehensive legal analysis of Rhode Island laws corroborates this, concluding that Rhode Island cities and towns likely can legally adopt a local Tobacco 21 law and that state law likely does not preempt a local government from taking such action.[[3]](#endnote-3)

This Model Ordinance has been carefully drafted to avoid conflicts with state and federal laws. However, all new laws carry certain risks, and local Tobacco 21 laws have not been tested in Rhode Island courts. Prior to adopting this ordinance, communities should consult with an attorney licensed to practice in their jurisdiction.

**Disclaimer**

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**AN ORDINANCE OF THE [ CITY / TOWN ] OF [ *Name of City/Town*** **] RAISING THE MINIMUM LEGAL SALES AGE OF TOBACCO PRODUCTS TO 21 AND AMENDING THE [ *Name of City/Town* ] MUNICIPAL CODE**

The [ *Name of City/Town’s Legislative Body* ] of the [ City / Town ] of [ *Name of City/Town* ] does ordain as follows:

**comment:** This is introductory boilerplate language that should be adapted to the conventional form used in the jurisdiction.

**SECTION I. FINDINGS.** The [ *Name of City/Town’s Legislative Body* ] of the [ City / Town ] of [ *Name of City/Town* ] hereby finds and declares as follows:

WHEREAS, approximately 480,000 people die in the United States from tobacco-related diseases every year, making tobacco use the nation’s leading cause of preventable death;[[4]](#endnote-4) and

WHEREAS, the World Health Organization (WHO) estimates that by 2030, tobacco will be responsible for 8.3 million deaths per year and 10% of all deaths worldwide;[[5]](#endnote-5) and

WHEREAS, tobacco use is the number one cause of preventable death[[6]](#endnote-6) in Rhode Island[[7]](#endnote-7) and continues to be an urgent public health challenge, as evidenced by the following:

* 1,800 Rhode Island adults die from smoking-related diseases each year;[[8]](#endnote-8)
* Nearly 1 in 13 Rhode Island youth who are alive today will die early from smoking-related diseases;[[9]](#endnote-9),[[10]](#endnote-10),[[11]](#endnote-11) and
* Tobacco use can cause disease in nearly all organ systems and is responsible for 87% of lung cancer deaths, 79% of all chronic obstructive pulmonary disease deaths, and 32% of coronary heart disease deaths;[[12]](#endnote-12) and

WHEREAS, every year smoking costs Rhode Island nearly $1.1 billion dollars in direct health care costs and lost productivity;[[13]](#endnote-13) and

WHEREAS, the Rhode Island Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidence by these facts:

* The Legislature has declared that the “use of tobacco by Rhode Island children is a health and substance abuse problem of the utmost severity” (R.I. Gen. Laws § 11-9-13.3); and
* State law prohibits selling, giving, or delivering to any person under 18 years old tobacco in any form, including electronic smoking devices (R.I. Gen. Laws. §§ 11-9-13, 11-9-13.8); and
* State law requires businesses selling tobacco products to post prominently for public viewing signs conveying the negative health effects of tobacco (R.I. Gen. Laws § 11-9-13.8.1); and

WHEREAS, nearly 95% of people who smoke start by age 21;[[14]](#endnote-14) and

WHEREAS, individuals who begin smoking at an early age are more likely than those who start at a later age to develop a severe addiction to nicotine;[[15]](#endnote-15),[[16]](#endnote-16) and

WHEREAS, the earlier people start smoking in their life, the greater their risk of many adverse health outcomes, such as hospitalizations and lifetime risk of respiratory disease, chronic obstructive pulmonary disease, and lung cancer;[[17]](#endnote-17) and

WHEREAS, studies have shown that young adults between the ages of 18 and 20 are more likely than adults over the age of 21 to purchase tobacco for minors;[[18]](#endnote-18),[[19]](#endnote-19) and

WHEREAS, raising the minimum legal age of access for tobacco products reduces the ability of youth under age 18 to appear legally old enough to buy tobacco products and decreases the probability that nonsmoking youth will have social networks that contain smokers;[[20]](#endnote-20) and

WHEREAS, the Institute of Medicine found that raising the minimum legal age of access to 21 will likely delay initiation and reduce tobacco prevalence across all ages with the largest proportionate reduction in initiation likely occurring among adolescents between the ages of 15 and 17;[[21]](#endnote-21) and

WHEREAS, most individuals transition from experimental to regular smoking before age 21;[[22]](#endnote-22),[[23]](#endnote-23),[[24]](#endnote-24) and

WHEREAS, tobacco companies target young adults between the ages of 18 and 24 to increase the frequency with which young adults use tobacco products to encourage them to transition into habitual users;[[25]](#endnote-25) and

WHEREAS, research has repeatedly found that raising the minimum age of access for tobacco products is an effective strategy for reducing tobacco use among youth and young adults as evidenced by the following:

* Research has overwhelmingly demonstrated that minimum legal drinking age laws decreased alcohol consumption rates in the United States, especially among youth and young adults;[[26]](#endnote-26) and
* An evaluation of a law in Needham, MA, that raised the minimum tobacco sales age to 21 found that within 5 years the prevalence of youth smoking had reduced by nearly half (12.9% in 2006 versus 6.7% in 2010);[[27]](#endnote-27) and
* The Institute of Medicine found that a nationwide law raising the minimum age of legal access for tobacco products to 21 would save almost one-quarter of a million lives of people born between 2000 and 2019;[[28]](#endnote-28) and

WHEREAS, as of September 27, 2016, at least 200 jurisdictions in 14 states have laws raising the minimum legal sale age for tobacco products to 21;[[29]](#endnote-29) and

WHEREAS, nationally, 70.5% of people, including 57.8% of people who currently smoke, support raising the minimum age of legal access for tobacco products to 21;[[30]](#endnote-30) and

NOW THEREFORE, it is the intent of the [ *Name of City/Town’s Legislative Body* ], in enacting this Ordinance, to provide for the public’s health, safety, and welfare and reduce youth access to Tobacco Products by prohibiting the selling, giving, or furnishing of Tobacco Products or Tobacco Paraphernalia to any individual under the age of 21.

**comment:** The findings section is part of the ordinance and legislative record, but it usually does not become codified in the municipal code. In addition to serving an educational purpose and building political and popular support for the ordinance, the findings can also serve a legal purpose. If the ordinance is challenged in court, the findings are an admissible record of the factual determinations made by the legislative body when considering the legislation. Courts generally defer to legislative determinations of factual issues, which often influence legal conclusions. Your city or town may select findings from this list to include in its legislation, along with additional findings about tobacco use among youth and young adults specific to your city or town. Particularly useful are local findings and data that demonstrate the issue to be addressed by the legislation and how the legislation addresses that specific issue. Any legal precedent that directly supports the legislation should also be included.

**SECTION II.** [ Article / Chapter ] of the [ *Name of* *City/Town* ] Municipal Code is hereby amended to read as follows:

**Sec. [ (\*1) ]. DEFINITIONS.** The following words and phrases, whenever used in this [ article / chapter ], shall have the meanings defined in this section unless the context clearly requires otherwise:

1. “Person” means an individual, partnership, corporation, limited liability company, limited liability partnership, joint stock association, association, organization, or any other legal or commercial entity.

**comment:** Existing law(s) in your city or town may already contain a definition of “Person,” and if so, the definition provided here can be omitted.

1. “Tobacco Paraphernalia” means any item designed or marketed for the consumption, use, or preparation of Tobacco Products.
2. “Tobacco Product” means
	1. Any product containing, made from, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
	2. Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
	3. Notwithstanding any provision of subsections (1) and (2) to the contrary, “tobacco product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

**comment:** This definition is written broadly to include nonconventional tobacco and nicotine products, such as electronic cigarettes, nicotine gel, and nicotine lollipops. The definition also includes electronic cigarettes that do not contain nicotine. There is an exception for FDA-approved cessation products intended to benefit public health (e.g., nicotine patches and other nicotine cessation products).

1. “Tobacco Retailer” means any Person who sells, offers for sale, or exchanges or offers to exchange for any form of consideration tobacco, Tobacco Products or Tobacco Paraphernalia.

**Sec. [ (\*2) ]. Requirements and prohibitions applicable to Tobacco Product and Tobacco Paraphernalia sales**

1. A Person shall not sell, give, or furnish any Tobacco Product or Tobacco Paraphernalia to any individual under 21 years of age.

**comment:** This is the primary operative section of the ordinance. It prohibits any individual or business from selling, giving, or furnishing a Tobacco Product or Tobacco Paraphernalia to any individual under age 21. This provision is broadly worded to include not only retail sales but also any exchange or distribution of Tobacco Products and Tobacco Paraphernalia. However, it’s important to note that this Model Ordinance imposes penalties only on Tobacco Retailers who violate the ordinance’s requirements and prohibitions.

1. A Tobacco Retailer shall check the identification of Tobacco Product or Tobacco Paraphernalia purchasers to establish the age of the purchaser, if the purchaser reasonably appears to be under 27 years of age.

**comment:** Federal law requires persons selling tobacco products to check the identification of any individual who appears to be under the age of 27. 21 C.F.R. §§ 1140.14(a)(2), (b)(2). However, states can enact requirements that are stricter than federal law. 21 U.S.C. § 387p. Therefore, localities may choose to set this requirement at age 27 or older.

1. A Tobacco Retailer shall post the sign(s) required by Chapter 321 of the Public Laws of 1996 as amended (R.I. Gen. Laws § 11-9-13 et seq.).
2. A Tobacco Retailer shall post sign(s) adjacent to the sign(s) required by Chapter 321 of the Public Laws of 1996 as amended (R.I. Gen. Laws § 11-9-13 et seq.), which include the following statement in both English and Spanish:

“The [ City / Town ] of [ *Name of City/Town* ] prohibits this store from selling or providing a tobacco product or tobacco paraphernalia to any individual under 21 years of age.”

1. The size, design, and typeface requirements for the sign(s) required by subsection (d) shall be the same as the requirements for sign(s) required by subsection (c).

**comment:** Rhode Island state law requires tobacco retailers to post several signs with specified information about (1) the state minimum age requirement for the purchase and sale of tobacco products and electronic nicotine-delivery systems, as well as photo identification check requirements; and (2) the health effects of tobacco. A local Tobacco 21 law may not modify these requirements. This means that in jurisdictions adopting a local Tobacco 21 law, Tobacco Retailers still must comply with state law by posting these signs.

The first sign required by Rhode Island state law must “[c]ontain in red bold lettering a minimum of three-eighths ( ⅜ ″) inch high on a white background the following wording in both English and Spanish:

THE SALE OF CIGARETTES, TOBACCO AND ELECTRONIC NICOTINE-DELIVERY SYSTEM PRODUCTS TO PERSONS UNDER THE AGE OF 18 IS AGAINST RHODE ISLAND LAW (§ 11-9-13.8(1), Rhode Island Statutes) PHOTO ID FOR PROOF OF AGE IS REQUIRED FOR PURCHASE.” R.I. Gen. Laws § 11-9-13.7(1).

The sign must also “[c]ontain the phone number at the department of behavioral healthcare, developmental disabilities and hospitals, where violations of §§ 11-9-13.2 -- 11-9-13.19 can be reported, in addition to any other information required by the department of behavioral healthcare, developmental disabilities and hospitals.” R.I. Gen. Laws § 11-9-13.7(2). Tobacco Retailers must have the sign “displayed prominently for public view, wherever tobacco products are sold at each cash register, each tobacco and/or electronic nicotine-delivery systems vending machine, or any other place from which tobacco products and/or electronic nicotine-delivery systems are sold.” R.I. Gen. Laws § 11-9-13.7(3).

The second sign required by Rhode Island state law must “[c]ontain red bold lettering a minimum of one-quarters of an inch (1/4″) high on a white background the following wording, in both English and Spanish:

WARNING: SMOKING CIGARETTES CONTRIBUTES TO LUNG DISEASE, CANCER, HEART DISEASE, STROKE AND RESPIRATORY ILLNESS AND DURING PREGNANCY MAY RESULT IN LOW BIRTH WEIGHT AND PREMATURE BIRTH.” R.I. Gen. Laws § 11-9-13.8.1(1).

The sign must also “include information regarding resources available to Rhode Island residents who would like to quit smoking,” R.I. Gen. Laws § 11-9-13.8.1(2), and “be displayed prominently for public view wherever tobacco products are sold at each cash register, each tobacco vending machine, or any other place from which tobacco products are sold.” R.I. Gen. Laws § 11-9-13.8.1(3).

To prevent confusion, this Model Ordinance requires Tobacco Retailers to post an additional sign stating that the sale of Tobacco Products and Tobacco Paraphernalia to individuals under 21 years of age is prohibited in the city or town adopting the ordinance. This sign is in addition to, not in lieu of, the signs required by state law. The additional sign required by this ordinance must be placed adjacent to the signs required by state law and comply with the same size, design, and typeface requirements that apply to the signs required by state law.

1. *Subsection (a) does not apply to the handling or transportation of a Tobacco Product or Tobacco Paraphernalia by an individual under 21 years of age under the terms of that individual’s employment.*

**comment:** This is an optional provision that allows individuals under 21 years of age to work in jobs that require the handling and/or transportation of Tobacco Products and Tobacco Paraphernalia (e.g. a retail store clerk).

**Sec. [ (\*3) ]. Enforcement**

1. Any Tobacco Retailer found to have violated this ordinance shall be assessed a fine not to exceed [ two hundred fifty dollars ($250.00) ] for the first violation, or [ five hundred dollars ($500.00) ] for each subsequent violation [ within a 5-year period ].

**comment:** This provision imposes fines for violating the ordinance. The fine amounts can be adjusted but cannot exceed $500 per violation. R.I. Gen. Laws § 45-6-2.

1. A Person is liable for the acts of their clerk, servant, agent, or employee in violating this ordinance.

**comment:** This provision allows enforcement against a business owner when their employees violate this ordinance.

1. Each violation, and every day in which a violation occurs, shall constitute a separate violation.
2. Violations of this [ article / chapter ] may, in the discretion of the [ *Name of Prosecuting Body or Officer (e.g. City Prosecutor or District Attorney)* ], be prosecuted as a criminal offense punishable by a fine not exceeding [ five hundred dollars ($500.00) ] or imprisonment not exceeding [ thirty (30) ] days in a jail or house of correction when the interests of justice so require.

**comment:** Sometimes called a “wobbler,” this provision affords the prosecuting attorney discretion whether to pursue a violation as a civil violation (punishable by a fine of up to $500) or as a criminal offense (punishable by a fine of up to $500 or imprisonment for up to 30 days). Alternatively, violations can be set as *either* a civil offense or a criminal offense in all circumstances. Regardless of whether a violation is treated as a civil or criminal offense, the penalty for each violation cannot exceed either a $500 fine or 30 days imprisonment. R.I. Gen. Laws § 45-6-2.

1. It shall be an affirmative defense to a violation of this ordinance that the defendant, or the defendant’s agent or employee, demanded, was shown, and reasonably relied upon bona fide evidence that an individual was at least 21 years of age. For these purposes, bona fide evidence that an individual is at least 21 years of age is a document issued by a federal, state, county, or municipal government, or subdivision or agency of those governments that includes a photo and the date of birth of the individual, including, but not limited to, a motor vehicle operator’s license, a registration certificate issued under the federal Selective Service Act, or an identification card issued to a member of the Armed Forces.

**comment:** This provision allows a person to avoid penalties for violating this ordinance if they prove that either they, their employee, or their agent reasonably relied upon identification provided by the purchaser indicating that the purchaser was at least 21 years old. The provided identification must be issued by a federal, state, county, or municipal government, or subdivision or agency of those governments, and must contain a photo and the date of birth of the individual presenting the identification.

**comment ON youth Purchase, use, and possession:** This Model Ordinance does not prohibit or penalize the purchase, use, or possession (“PUP”) of tobacco products or paraphernalia. Instead, the Model Ordinance prohibits only the selling, giving, or furnishing of a tobacco product or paraphernalia to an individual under 21 and penalizes tobacco retailers who violate this prohibition.

Well-enforced laws targeting retailers provide greater public health benefits than laws penalizing youth for PUP.[[31]](#endnote-31) Studies show that PUP laws only minimally affect tobacco use, and prioritizing enforcement of other tobacco control laws can more effectively reduce youth access to tobacco.[[32]](#endnote-32) Finally, PUP laws raise significant equity concerns because their enforcement often disproportionately affects youth of color.[[33]](#endnote-33)

For the reasons explained above, some communities have chosen to repeal their PUP laws. This Model Ordinance does not include provisions for repealing an existing PUP law. However, communities looking to adopt this Model Ordinance should determine whether they have a PUP law and, if so, how they should address youth PUP in their local ordinance.

This Model Ordinance does not exempt individuals under 21 from liability for purchasing tobacco products or paraphernalia during youth decoy (“sting”) operations. Such exceptions are unnecessary in jurisdictions without existing PUP laws because this Model Ordinance does not prohibit or penalize the PUP of tobacco products or paraphernalia. Moreover, Rhode Island state law prohibits only individuals under age 18 from purchasing tobacco products. Therefore, individuals aged 18 to 20 who purchase tobacco products or paraphernalia during enforcement operations will not be subject to criminal or civil liability under either this Model Ordinance or state law. However, jurisdictions with PUP laws that apply to 18, 19, and 20-year-olds should consider repealing their PUP law. Alternatively, these jurisdictions may provide immunity to those individuals when they participate in enforcement operations.

**Sec. [ (\*4) ]. Severability**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this Ordinance, or its application to any other person or circumstance. The [ *Name of City/Town’s Legislative Body* ] of the [ City / Town ] of [ *Name of City/Town* ] hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsec­tions, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

**comment:** This is standard language. Often this boilerplate language is found at the end of an ordinance, but its location is irrelevant.

**Sec. [ (\*5) ]. Effective Date**

This ordinance shall take effect on [ *Date or Length of Time After Adoption* ].

**comment:** You should check state and local requirements on the minimum amount of time between passing an ordinance and when a law can go into effect. Additionally, localities may wish to delay the ordinance’s effective date to allow sufficient time to educate retailers about the new requirements and to produce and distribute the required signage. Several localities who that recently implemented Tobacco 21 laws suggest a delay of 6 to 9 months, but the specific amount of time required will depend on a locality’s needs and resources.

1. *See* State ex rel. Town of Westerly v. Bradley, 877 A.2d 601 (R.I. 2005). [↑](#endnote-ref-1)
2. R.I. Gen. Laws § 45-6-1 [↑](#endnote-ref-2)
3. *See* July 2016 Memorandum titled “Local Authority for Tobacco 21 Policy in Rhode Island” from ChangeLab Solutions to Geri A. Guardino, Tobacco Control Program, Rhode Island Department of Health. [↑](#endnote-ref-3)
4. U.S. Department of Health and Human Services. 2014. *The Health Consequences of Smoking — 50 Years of Progress. A Report of the Surgeon General, www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf.* [↑](#endnote-ref-4)
5. World Health Organization. 2007. *World Health Statistics 2007, Part 1: Ten Statistical Highlights in Global Public Health, p. 12,* [*www.who.int/whosis/whostat2007\_10highlights.pdf*](http://www.who.int/whosis/whostat2007_10highlights.pdf)*.*  [↑](#endnote-ref-5)
6. U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary*.; 2014. Available at: *www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf* [↑](#endnote-ref-6)
7. Centers for Disease Control and Prevention. Prevention Status Reports 2013: Tobacco Use – Rhode Island. 2014. Available at: http://www.cdc.gov/psr/2013/tobacco/2013/ri-tobacco.pdf [↑](#endnote-ref-7)
8. Campaign for Tobacco-Free Kids. The Toll of Tobacco in Rhode Island. 2016. Available at: https://www.tobaccofreekids.org/facts\_issues/toll\_us/rhode\_island. [↑](#endnote-ref-8)
9. According to the Campaign for Tobacco-Free Kids, 16,000 kids now under 18 and alive in Rhode Island will die prematurely from smoking. The U.S. Census estimates that in 2014 there were approximately 212,852 Rhode Island youth under age 18. Nearly one in thirteen was calculated by dividing the number of youth who will die prematurely (16,000) by the number of youth under age 18 in Rhode Islander (212,852). [↑](#endnote-ref-9)
10. U.S. Census. Annual Estimates of the Resident Population for Selected Age Groups by Sex for the United States, States, Counties, and Puerto Rico Commonwealth and Municipios: April 1, 2010 to July 1, 2014. 2015. Available at: http://factfinder.census.gov/bkmk/table/1.0/en/PEP/2014/PEPAGESEX/0400000US44 [↑](#endnote-ref-10)
11. Campaign for Tobacco-Free Kids. The Toll of Tobacco in Rhode Island. 2016. Available at: https://www.tobaccofreekids.org/facts\_issues/toll\_us/rhode\_island. [↑](#endnote-ref-11)
12. U.S. Surgeon General. Factsheet: The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. *2014*. Available at: *www.surgeongeneral.gov/library/reports/50-years-of-progress/fact-sheet.html.* [↑](#endnote-ref-12)
13. Campaign for Tobacco-Free Kids. The Toll of Tobacco in Rhode Island. 2016. Available at: https://www.tobaccofreekids.org/facts\_issues/toll\_us/rhode\_island. [↑](#endnote-ref-13)
14. Campaign for Tobacco-Free Kids. Increasing the Minimum Legal Sale Age for Tobacco Products to 21. 2016. Available at: <https://www.tobaccofreekids.org/research/factsheets/pdf/0376.pdf> [↑](#endnote-ref-14)
15. U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: US National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 15, [*www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf*](http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf) [↑](#endnote-ref-15)
16. Institute of Medicine of the National Academies. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*.; 2015. Available at: http://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products. [↑](#endnote-ref-16)
17. Institute of Medicine of the National Academies. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*.; 2015. Available at: http://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products. [↑](#endnote-ref-17)
18. White, M., Gilpin, E., Emery, S, and Pierce, J. 2005. Facilitating Adolescent Smoking: Who Provides the Cigarettes. American Journal of Health Promotion. 19 (5): 355-360. Available at: <http://ajhpcontents.org/doi/abs/10.4278/0890-1171-19.5.355> [↑](#endnote-ref-18)
19. DiFranza, J and Coleman, M. (2001). Sources of Tobacco for Youths in Communities with Strong Enforcement of Youth Access Laws. Tobacco Control. 10: 323-328 Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1747607/pdf/v010p00323.pdf> [↑](#endnote-ref-19)
20. Institute of Medicine of the National Academies. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*.; 2015. Available at: http://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products. [↑](#endnote-ref-20)
21. Institute of Medicine of the National Academies. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*.; 2015. Available at: http://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products. [↑](#endnote-ref-21)
22. Hammond D. 2005. “Smoking Behavior Among Young Adults: Beyond Youth Prevention.” *Tobacco Control* 14(3): 181-185. [↑](#endnote-ref-22)
23. Campaign for Tobacco Free Kids. Increasing the Minimum Legal Age for Tobacco Products to 21. 2016. https://www.tobaccofreekids.org/research/factsheets/pdf/0376.pdf [↑](#endnote-ref-23)
24. U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General.* 2012/ Available at: *www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf* [↑](#endnote-ref-24)
25. Ling, P and Glantz, S. 2002. Why and How the Tobacco Industry Sells Cigarettes to Young Adults: Evidence from Industry Documents. American Journal of Public Health. 92(6). June 2002. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447481/> [↑](#endnote-ref-25)
26. Wagenaar AC, Toomey TL. Effects of minimum drinking age laws: Review and analyses of the literature from 1960 to 2000. J Stud Alcohol. 2002;S14:206-225. doi:10.15288/jsas.2002.s14.206. [↑](#endnote-ref-26)
27. Kessel S, Buka S, Dash K, Winickoff JP, O’Donnell L. Community Reductions in Youth Smoking After Raising the Minimum Tobacco Sales Age to 21. *Tob Control*. 2015. Available at: http://www.njgasp.org/wp-content/uploads/2015/06/Tobacco-Control-BMJ-21-Needham-Study.pdf. [↑](#endnote-ref-27)
28. Institute of Medicine of the National Academies. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*.; 2015. Available at: http://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products. [↑](#endnote-ref-28)
29. Campaign for Tobacco Free Kids. States and Localities that have raised the minimum legal sale sage for tobacco products to 21. 2016. Available at: https://www.tobaccofreekids.org/content/what\_we\_do/state\_local\_issues/sales\_21/states\_localities\_MLSA\_21.pdf [↑](#endnote-ref-29)
30. Winickoff J, McMillen R, Tanski S. Public support for raising the age of sale for tobacco to 21 in the United States. *Tob* 2015:1–5. doi:10.1136/tobaccocontrol-2014-052126. [↑](#endnote-ref-30)
31. DiFranza JR. Which interventions against the sale of tobacco to minors can be expected to reduce smoking? *Tob Control.* 2012;21(4):436-442. doi:10.1136/tobaccocontrol-2011-050145. Wakefield M, Giovino G. Teen penalties for tobacco possession, use, and purchase: evidence and issues. *Tob Control.* 2003;12(Suppl. I):i6-i13. doi:10.1136/tc.12.suppl\_1.i6. [↑](#endnote-ref-31)
32. *Id.* [↑](#endnote-ref-32)
33. Gottlieb NH. Minors’ tobacco possession law violations and intentions to smoke: implications for tobacco control. *Tob Control*. 2004;13(3):237-243. doi:10.1136/tc.2003.003988. [↑](#endnote-ref-33)