

# **LAS VEGAS REVIEW-JOURNAL**

## **Congress on verge of setting smoking age at 21 in US, Nevada**

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The U.S. is poised to raise the legal age for buying tobacco products and e-cigarettes to 21, with bipartisan support and a nod from Big Tobacco.

The House passed a measure to that effect, which was tucked into a massive spending bill, by an overwhelming 297-120 vote Tuesday.

If, as expected, the Senate passes the measure Thursday and President Donald Trump signs it, Tobacco21, as the measure is known, will override the majority of states that, like Nevada, allow tobacco sales to people 18 and older.

All four members of the Nevada House delegation voted in favor of the bill.

“We think it’s a great thing,” said the Southern Nevada Health District’s Malcolm Ahlo.

Initial studies show that tobacco use declines in places where sales are restricted, Ahlo said, and that based on these findings, Nevada could expect to see a 25 percent decline in tobacco use.

Ahlo noted that a survey this year by the Nevada Institute for Children’s Research and Policy at UNLV found that 77 percent of Nevadans surveyed favored limiting tobacco sales to those 21 and older. The survey relied on 848 interviews of Nevadans over 18.

Teenage use of tobacco products has been on the rise since 2017 thanks to the advent of e-cigarettes. According to the Centers for Disease Control and Prevention, more than 1 in 4 high school students has used a tobacco product in the past 30 days. According to the CDC, “nearly all tobacco use begins in adolescence.”

Still, establishing a national smoking age of 21 will not mollify anti-smoking activists.

“Raising the tobacco age to 21 is a positive step, but it is not a substitute for prohibiting the flavored e-cigarettes that are luring and addicting our kids,” Matthew L. Myers, president of Campaign for Tobacco-Free Kids, warned in a statement.

Ahlo seconded that sentiment.

“We wish it would prohibit flavoring as well to be most effective,” he said.

## **Vaping illnesses**

On Sept. 11, after first lady Melania Trump became alarmed by the number of young vapers being hospitalized and even dying with lung injuries, the president announced that his administration would move to ban flavored vaping products.

“There have been deaths, and there have been a lot of other problems,” Trump said then. “People think it’s an easy solution to cigarettes, but it’s turned out that it has its own difficulties.”

Since that time, however, the CDC found that most patients with vaping-associated lung injuries had used products containing THC, the ingredient that creates the high in marijuana, sold not by major e-cigarette manufacturers but by black-market vendors.

Investigators also have zeroed in on vitamin E acetate, a thickening agent added to some THC vaping liquids.

As of Dec. 10, there had been 2,409 such cases across the country, including 52 deaths.

The Southern Nevada Health District has reported five cases of serious lung illness tied to vaping.

In May, Senate Majority Leader Mitch McConnell, R-Ky., and Sen. Tim Kaine, D-Va., introduced a bill, dubbed “T21,” to make it illegal to sell tobacco and nicotine products to individuals under 21.

On Tuesday, McConnell applauded House passage of the measure.

“By raising the age for purchasing vaping devices and other tobacco products to 21 years old nationwide, we’ll take bold, direct action to stem the tide of early nicotine addiction among our nation’s youth,” he said.

After Trump’s Sept. 11 announcement, vaping and tobacco leaders coalesced behind a movement to switch Washington’s focus away from banning flavored products in favor of raising the legal age to buy tobacco products nationwide.

“Raise the age from 18 to 21 to purchase tobacco and nicotine vapor products, instead of restricting flavors,” the Vapor Technology Association argued under the slogan “21 & DONE!” According to the industry, a ban on flavors would lead to the closure of nearly 14,000 American small businesses and the loss of more than 150,000 U.S. jobs.

Marlboro cigarette-maker Altria, the nation’s largest tobacco company, said it supports legislation focused exclusively on raising the age limit because it is the “quickest and most effective” way to address the recent surge in teen vaping.

## **Much like drinking age**

Amanda Dowdy, who manages Smokes Mart on West Flamingo Road, said banning sales to adults under 21 would make it easier for workers to check IDs.

“There’s some items where it’s 21-plus and some things that’s 18-plus, so if everyone is 21-plus, it would be easier for the person selling,” she said. “I think 21 is a really good age because it’s also when drinking and marijuana” are legal.

Trevor Burrus, a research fellow at the libertarian-leaning Cato Institute, called for a different consistency.

“Eighteen-year-olds are adults,” he said. “This is much like the drinking age. It’s very strange to say you can vote and go (into the military) for your country,” but you can’t buy cigarettes or alcohol.

“I vape myself. And I used it to quit smoking, so it’s personal to me,” Burrus added.

In their effort to discourage teens from vaping, Burrus argued, smoking opponents ignore the millions of vapers — some 13 million, according to the industry — who quit or cut back on cigarettes because of e-cigarettes.

Boot Bullwinkle, of the Campaign for Tobacco Free Kids, said his group is “not advocating for a complete ban on e-cigarettes.”

Bullwinkle said his group supports regulation that would allow manufacturers to sell flavored products if they can demonstrate that flavors help adults quit, don’t encourage youth use and aren’t toxic for consumers.

That’s where the focus has to be, Bullwinkle said, “when you have 5.3 million kids using e-cigarettes.”

His organization supports applying the flavor ban to menthol cigarettes as well.

When Congress passed the National Minimum Drinking Age Act of 1984, it used the threat of loss of highway funds to pressure states to raise their drinking age to 21 without violating the 21st Amendment.

According to Bullwinkle, the congressional legislation would direct the U.S. Food and Drug Administration, which has authority to regulate tobacco, to change the minimum purchasing age.

Nineteen states, including California, have adopted a minimum age of 21 for tobacco purchases.

In Nevada, the minimum age is 18. Taxes on cigarettes and other tobacco products generate about \$200 million in revenue per fiscal year, or 5 percent of the state’s budget.

Because the Nevada Department of Taxation has no way of tracking the age of purchasers, the fiscal consequences of the higher age are unknown.

Asked his opinion of a 21-year-old smoking age, economist Arthur Laffer, spotted walking near the White House, was succinct.

“I don’t think anyone should smoke,” he said.