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Florida Takes Positive Public Health Step With Tobacco 21 Implementation



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TALLAHASSEE, FLA. – On Friday, October 1, 2021, a new law went into effect across Florida raising the minimum age to buy tobacco and nicotine products from 18 to 21 years of age. The change aligned the state with federal law and serves to define retail requirements regarding electronic cigarettes (e-cigarettes) and similar “nicotine dispensing devices.” The reform to youth e-cigarette access follows a 2019 statement by then-U.S. Surgeon General VADM Jerome Adams, declaring youth e-cigarette use to be a national epidemic and cause for great concern.¹

Increasing the minimum age to buy tobacco is proven to be sound and effective public health policy. Research shows that increasing the minimum tobacco age significantly reduces the number of adolescents and young adults who start smoking, reduces smoking-related deaths, and immediately improves the health of teens and young adults.² One recent study found that raising the minimum age to 21 can keep 1 in 4 people between the ages of 15 to 17 from starting to smoke.³

Tobacco Free Florida is working to educate the public, including the state’s community leaders and retailers, on the policy changes. Tobacco Free Florida also provides free tools and resources for everyone – including young adults – looking to quit successfully.

“Increasing the minimum age to purchase tobacco and e-cigarette products to 21 is a step in the right direction to prevent youth tobacco addiction throughout Florida,” **said Laura Corbin, Bureau Chief for Tobacco Free Florida.** “Every effort towards keeping tobacco and nicotine devices out of the hands of young people is progress towards reducing tobacco use overall, as we know nearly nine out of 10 smokers start by the age of 18.⁴ By doing their part, retailers play a major role in keeping these products out of the hands of people under the age of 21.”

In addition to being the time in life where most people first try the addictive products, there are biological reasons why nicotine is especially harmful during the period of youth and young adulthood. Nicotine can harm developing adolescent brains, which are more vulnerable than the brains of full-grown adults.⁵ In addition to addiction, effects can include reduced impulse control, attention and cognitive deficits, and mood disorders.⁶

The legislative change included significant updates to the state’s tobacco and nicotine product policies. They include establishing the state permitting process for the sale of hazardous items like e-cigarettes, codifying safety systems for any vending machines, and setting penalties for distributing these products – either by sale or as gifts – to anyone under the age of 21. The new

Florida law provides exemption for those on active military service who are at least the age of 18.

Under the new Florida policy, people under the age of 21 found in possession of any tobacco product may be subject to 16 hours of community service or a \$25 fine. The person must also attend a school-approved anti-tobacco program if one is locally available. Any subsequent citations within a 12-week period will result in an additional \$25 fine. Failure to complete the community service or address the fine could result in a suspension of driver's license for 30 days. Per state law, 80% of the revenue from the fines is to be transferred to the Florida Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children. The remaining 20% remains with the Clerk of Court to cover administrative costs.

"Smoking is the leading cause of preventable death and disease, and this action works to make progress against that significant threat by reducing tobacco and nicotine use," added Corbin. "However, continued progress can only be achieved if we remain vigilant and dedicated – especially in support of youth and at-risk populations. We must continue to protect them from newer products with high appeal like e-cigarettes and a new generation of addictive products the tobacco industry has in its pipeline. As we've learned time and again, tobacco companies will continue to invent new ways to keep people addicted to nicotine and unfortunately many of those products are attracting young people."

While tobacco counter-marketing programs have been successful in lowering the rate of conventional cigarette use by youth and young adults, the aggressive marketing and deceptive tactics being used to promote e-cigarettes are threatening to erase that progress. The 2020 Florida Youth Tobacco Survey found that more than 1 in 3 (36.5%) Florida high school students have tried an e-cigarette, and more than 1 in 5 (21.6%) have used one in the last 30 days.⁷ In addition, evidence suggests teens who use e-cigarettes may be at greater risk of starting to smoke regular cigarettes.^{8,9,10,11}

Tobacco Free Florida has several initiatives designed to reduce the use of tobacco and nicotine among youth. Tobacco Free Florida's youth prevention campaign, THE FACTS NOW, also provides critical and trusted information to youth to help curb tobacco and e-cigarette use. Additionally, youth advocates in the Students Working Against Tobacco (SWAT) program are active in all 67 counties, and work with local leaders to restrict and limit e-cigarette access to underage youth.

Floridians can access free tools and services to quit effectively at www.TobaccoFreeFlorida.com or by calling 1-877-U-CAN-NOW (1-877-822-6669). The Quit Your Way program include Web Quit, Group Quit (virtual and in-person), Phone Quit, Text2Quit, and more. Nicotine replacement therapy (including patches, gum and lozenges) are available where medically appropriate. All Tobacco Free Florida resources are provided completely free, regardless of insurance status.

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About Tobacco Free Florida

The Florida Department of Health's Tobacco Free Florida campaign is a statewide cessation and prevention campaign funded by Florida's tobacco settlement fund. Since the program

began in 2007, more than 254,000 Floridians have successfully quit using one of Tobacco Free Florida's free tools and services. There are now approximately 451,000 fewer adult smokers in Florida than there were 10 years ago, and the state has saved \$17.7 billion in health care costs.¹² To learn more about Tobacco Free Florida's Quit Your Way services, visit www.TobaccoFreeFlorida.com or follow the campaign on Facebook at www.facebook.com/TobaccoFreeFlorida or on Twitter at www.twitter.com/tobaccofreefla.

¹ U.S. Department of Health and Human Services. Surgeon General's Advisory on E-cigarette Use Among Youth. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. 2018.

https://www.cdc.gov/tobacco/basic_information/e-cigarettes/surgeon-general-advisory/index.html. [accessed 29 September 2021.]

² Institute of Medicine. Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products. Washington, DC: The National Academies Press. 2015. <https://doi.org/10.17226/18997>.

³ Institute of Medicine. Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products. Washington, DC: The National Academies Press. 2015. <https://doi.org/10.17226/18997>.

⁴ U.S. Department of Health and Human Services. The Health Consequences of Smoking —50 Years of Progress: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014.

⁵ U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2016.

⁶ U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2016.

⁷ Florida Department of Health. Florida Youth Tobacco Survey (FYTS). 2020. [Accessed 3 August 2021.]

⁸ Berry KM, Fetterman JL, Benjamin EJ, et al. Association of Electronic Cigarette Use With Subsequent Initiation of Tobacco Cigarettes in US Youths. JAMA Network Open. 2019;2(2):e187794. <http://dx.doi.org/10.1001/jamanetworkopen.2018.7794>.

⁹ Miech R, Patrick ME, O'Malley PM, et al. E-cigarette use as a predictor of cigarette smoking: results from a 1-year follow-up of a national sample of 12th grade students. Tobacco Control. 2017;26:e106-e111.

¹⁰ National Academies of Sciences, Engineering, and Medicine. Public Health Consequences of E-Cigarettes. Washington, DC: The National Academies Press. 2018. <https://doi.org/10.17226/24952>.

¹¹ U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2016.

¹² Mann NM, Nonnemaker JM, Thompson J. Smoking-Attributable Health Care Costs in Florida and Potential Health Care Cost Savings Associated with Reductions in Adult Smoking Prevalence. 2016.