

LEGISLATIVE DIGEST

[Health Code - Banning the Sale of Tobacco Products to Persons Aged 18, 19, or 20]

Ordinance amending the Health Code to prohibit tobacco retailers from selling tobacco products, including smokeless tobacco and electronic cigarettes, to persons aged 18, 19, or 20.

Existing Law

Federal and state law prohibit the sale of tobacco products to persons who are under the age of 18. Similarly, state law prohibits the sale of electronic cigarettes to persons who are under the age of 18. In San Francisco, there is no current prohibition on the sale of tobacco products or electronic cigarettes to persons who are 18-, 19-, or 20-years old.

Amendments to Current Law

This ordinance amends the Health Code to prohibit licensed tobacco retailers from selling tobacco products, including smokeless tobacco and electronic cigarettes, to 18-, 19- and 20-year olds. This ordinance also requires licensed tobacco retailers to post a sign indicating that it is unlawful in San Francisco to sell tobacco products and electronic cigarettes to persons who are 18, 19, or 20. Violation of the ordinance would be punishable by a suspension of the retailer's tobacco license or, in the case of a failure to post the required signage, an administrative penalty.

Background Information

Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. It is known to cause cancer, heart disease, and respiratory diseases, among other health disorders. Each day, 700 children under the age of 18 become regular, daily smokers; and almost one-third will eventually die from smoking. If current trends continue, 5.6 million of today's youth will die prematurely from a smoking-related illness.

In addition to the adverse health impacts of tobacco use, the treatment of tobacco-related diseases adds tremendous costs, in the billions of dollars, to this country's health care system. A 2014 report by the University of California, San Francisco estimated that in 2009, the cost of smoking in San Francisco amounted to over \$380 million, including direct health care costs and indirect costs from lost productivity due to illness and premature death.

Although state law prohibits the sale of tobacco products to minors, 63% of smokers in California start smoking by age 18. National data show that 95% of adult smokers begin

smoking before they turn 21. In San Francisco, almost 2.7% of middle school and 9.1% of high school students smoke. The highest rate of smoking is among San Francisco's young adults (ages 18-24), 15.8% of whom smoke.

Likewise, in spite of the state ban on the sale of electronic cigarettes to minors, preliminary data of more than 430,000 middle and high school students from the California Healthy Kids Survey found that in 2013, 6.3% of 7th graders, 12.4% of 9th graders, and 14.3% of 11th graders had used electronic cigarettes in the past 30 days. Among young adults (18 to 29 years old), electronic cigarette use tripled in only one year, from 2.3% to 7.6%.

In 2015, the Institute of Medicine, a division of the National Academies of Sciences, Engineering, and Medicine, concluded that raising the minimum legal sales age for tobacco products nationwide would reduce tobacco initiation, particularly among adolescents aged 15 through 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12% decrease in the overall smoking rate.

Since 2013, approximately ninety localities in eight states have adopted ordinances raising the minimum legal sales age for tobacco products to 21.

This ordinance will likely result in less smoking and tobacco use among San Franciscans under 18 and San Franciscans under 21, sparing people within both age groups from the ravages that develop over time from harmful and highly addictive tobacco products.

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