



Berkeley City Council

CONSENT CALENDAR
September 15, 2015

To: Honorable Mayor and Members of the City Council

From: Councilmember Laurie Capitelli and Councilmember Darryl Moore

Subject: Raising the Minimum Age for Purchasing Tobacco Products to 21

RECOMMENDATION

Referral to the Community Health Commission to investigate the advisability and impact of raising the minimum age for purchasing tobacco and tobacco products, including electronic cigarettes, to 21 years of age.

FINANCIAL IMPLICATIONS

Staff time.

INTRODUCTION

The City of Berkeley has long maintained an excellent record of tobacco control legislation facilitating our consistent top grades in the American Lung Association's annual state reports (see State of Tobacco Control 2015 – California Local Grades http://www.lung.org/associations/states/california/assets/pdfs/sotc-2015/sotc-2015_ca-full-report.pdf). From regulating second hand smoke in multi-unit residences and common areas to tobacco retailer licensing, the City of Berkeley has worked hard to improve the overall health of its citizens with regards to tobacco products. And still there is work to be done, particularly as it pertains to our youth.

Though cigarette smoking rates among BUSD teens has decreased over the last several years (unfortunately coupled with the increased use of electronic cigarettes), according to the 2013/2014 California Healthy Kids Survey roughly 10% of 11th graders regularly use cigarettes, smokeless tobacco, and/or e-cigarettes. According to that same survey, 38% of students also found obtaining cigarettes very easy. As a City that prioritizes healthy citizenry, we must continue our efforts to discourage tobacco use among teens.

BACKGROUND

The Surgeon General reports that the tobacco industry continues to aggressively market and promote its products to recruit youth and young adults as new consumers.ⁱ Each day 700 kids under the age of 18 become regular smokers, 1/3 of whom will eventually die from smoking related illnesses.ⁱⁱ It is estimated that 90% of tobacco users start before the age of 21, and that 75% of teen tobacco users continue the habit into

adulthood.ⁱⁱⁱ A 2005 California Tobacco Survey study found that 82% of adolescents who have ever smoked obtained their cigarettes from others, most of whom were friends; 31.3% of these individuals were between 18 and 20 years of age. With a minimum legal purchasing age for tobacco set at 21, legal purchasers would be less likely to be in the same social networks as high school students and therefore less likely to sell or give underage people cigarettes.^{iv}

RATIONALE FOR RECOMMENDATION

Needham, MA was one of the first cities to raise the minimum tobacco purchasing age to 21 in 2005 and since that time it has seen a 50% decrease in tobacco use among teenagers. In June of this year Hawaii's Tobacco 21 legislation (raising the minimum purchasing age for tobacco) went into effect joining over 90 cities (including New York City) in eight different states in taking this important step. In California, the city of Healdsburg's Tobacco 21 legislation officially went into effect just last month, soon to be joined by Santa Clara County in 2016. On the state level, six tobacco bills (including a piece of Tobacco 21 legislation) are in special session awaiting decisions. The momentum is building, throughout the nation and within the state. If this type of legislation were feasible and passed in the City of Berkeley, we could add to that momentum while further securing the public health of our youth.

CONTACT PERSON

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ⁱ <http://www.cdc.gov/media/releases/2015/p0707-tobacco-age.html>

ⁱⁱ <http://www.tobaccofreekids.org/research/factsheets/pdf/0376.pdf>

ⁱⁱⁱ <http://www.sccgov.org/sites/opa/nr/Pages/County-Raises-Purchasing-Age-for-Tobacco-and-Electronic-Smoking-Products-from-18-to-21-in-Unincorporated-Santa-Clara-County.aspx>

^{iv} <http://www.tobaccofreekids.org/research/factsheets/pdf/0376.pdf>