

Proposed Int. No. 250-A

By Council Members Gennaro, Chin, Palma, Van Bramer, The Speaker (Council Member Quinn), Rodriguez, Rivera, Dromm, Vacca, Brewer and Dickens

A Local Law to amend the administrative code of the city of New York, in relation to raising the legal tobacco products sales age to twenty-one years.

Be it enacted by the Council as follows:

§1. Legislative intent. Tobacco use remains a leading cause of preventable, premature death in New York City, killing thousands of New Yorkers every year and increasing the risk of lung cancer, heart disease, stroke, asthma, emphysema, pre-term delivery, low birth weight, and many types of cancer. Furthermore, when used exactly as intended, tobacco kills one-third of its users. Beginning in 2002, the City launched a comprehensive program to reduce and prevent tobacco use. By implementing multiple strategies, including legislation restricting the use and sale of tobacco products, public education media campaigns, and the promotion of smoking cessation, and rigorously evaluating those efforts, the City has succeeded in reducing the prevalence of adult smoking by 31 percent, from 21.5 percent in 2002 to 14.8 percent in 2011. The prevalence of youth smoking has also declined substantially, from 17.6 percent in 2001 to 8.5 percent in 2007. Youth smoking rates, however, have plateaued since 2007, and remain at 8.5 percent as of 2011. Almost 100,000 young persons between eighteen and twenty-four years of age, as well as 20,000 New York City public high school students, currently smoke.

Most smokers start using tobacco as minors or young persons; in New York City, 80 percent of smokers started smoking before they turned twenty-one years old. Furthermore, according to the American Lung Association, there is strong evidence that people who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who

start at a later age. The transition from experimental to regular smoking typically occurs around twenty years old. Most people who are not smokers by twenty-one years of age do not start smoking later in their lives.

Raising the legal sales age for tobacco products will reduce access to tobacco products in stores among young persons eighteen to twenty years old, and among minors. Currently, teenagers who look close in age to eighteen years are significantly more likely to succeed in a tobacco purchase attempt than those who look younger. Furthermore, raising the sales age will reduce access to tobacco products by minors because it reduces access to tobacco acquired from older friends. Ninety percent of people purchasing cigarettes for minors are between eighteen and twenty years old.

Other jurisdictions that have increased the minimum sales age for tobacco products have also seen decreases in tobacco use among young persons. In 2005, Needham, Massachusetts increased the legal sales age from eighteen to twenty-one years. Between 2006 and 2012, high school students in Needham who reported smoking declined from 12.9 percent to 5.5 percent, a decrease of over 50 percent.

England increased the minimum sales age from sixteen to eighteen years in 2007, and by 2009, there was a 30 percent decline in smoking among youth between the ages of sixteen and seventeen; and younger students, those between eleven and fifteen, were one-third less likely to be regular smokers than they had been previously. According to one study, raising the smoking age to twenty-one years of age could reduce the smoking rate over time among eighteen to twenty year olds by 55 percent and among fourteen to seventeen year olds by two-thirds.

The Council therefore finds that increasing the tobacco purchase age to twenty-one years of age will reduce smoking and tobacco use by eighteen to twenty year olds, and increase the

likelihood that people in this cohort will not become smokers later in life. This increase in the minimum age to buy cigarettes and tobacco will also reduce high school students' opportunities to access tobacco from current legal buyers, as well as simplify enforcement for retailers selling tobacco products because New York State driver's licenses conspicuously indicate when a licensee is less than twenty-one years of age. In addition, raising the legal age to buy tobacco to twenty-one years will augment existing tobacco prevention and control programs, help prevent the initiation of smoking by young persons and improve the general health of all New Yorkers.

§2. Section 17-706 of the administrative code of the city of New York, as renumbered and amended by local law number 69 for the year 2009, is hereby amended to read as follows:

§ 17-706 Sale of tobacco products to [minors] young persons prohibited. Any person operating a place of business wherein tobacco products are sold or offered for sale must be licensed as required by section 17-703 of this code and is prohibited from selling such products to individuals under [eighteen] twenty-one years of age, and shall post in a conspicuous place [a sign upon which there shall be imprinted the following statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, ROLLING PAPER OR PIPES, TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white card in red letters at least one-half inch in height.] a sign, in accordance with the rules of the department, advising persons about the minimum age requirements for the purchase of tobacco products. Sale of tobacco products in such places[, other than by a vending machine,] shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least [eighteen] twenty-one years of age. Such identification need not be required of any individual who

reasonably appears to be at least [twenty-five] thirty years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product to an individual under [eighteen] twenty-one years of age.

§3. This local law shall take effect one hundred eighty days after it shall have become a law, provided that the commissioner of health and mental hygiene shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.