

# **Raising the Legal Age to Purchase Tobacco Products**

## **Background**

- The current legal age to purchase tobacco products in forty-four states is 18 years old, with the states of Alabama, Alaska, New Jersey and Utah having a legal age of 19 years old and California and Hawaii at age 21. Proposals to raise the legal age to purchase tobacco are unnecessary due to retailers complying with federal and state laws to prevent the sale of tobacco products to underage youth.

## **Arguments in Favor of Not Raising the Legal Age**

- Raising the legal age is unnecessary because according to tobacco retailer compliance inspection statistics from the U.S. Food and Drug Administration (FDA), retailers have achieved significantly high passing rates when an underage youth decoy has attempted to purchase tobacco products. Specifically, the FDA website reports that retailers successfully pass compliance checks and do not sell tobacco to an underage person more than 95% of the time.
- Raising the legal age to 21 to purchase tobacco products will not solve the problem of reducing underage youth access to tobacco product products. This is the case because recently released initial findings of the long-term Population Assessment of Tobacco and Health (PATH) study sponsored by the U.S. Food and Drug Administration confirm that a significant majority of underage youth relies on social sources for cigarettes and other tobacco products. Generally, social sources include adult-aged older siblings, friends, parents and even strangers.
- According to the PATH study, 86% of 15 to 17 year olds obtained cigarettes by giving someone else money to buy cigarettes, asking someone else for cigarettes, being offered cigarettes from someone, buying cigarettes from another person, or taking cigarettes from someone or from a store, or obtaining cigarettes from some other non-retail source. For electronic cigarettes, the 15 to 17 year olds reported that 89% of the time they relied on social sources to obtain e-cigarettes.
- Raising the legal age to purchase tobacco will deprive legal-age adults from deciding for themselves what legal products they choose to purchase and use. Personal liberty and freedom are being restricted when the very 18, 19 and 20 year old adults that will be impacted by this higher minimum purchase age are allowed to exercise so many other rights. Young adults have the liberty to vote, serve in the military, take out loans to pay for college tuition, get married and divorced, buy lottery tickets, and are required to purchase health insurance. Most importantly, 18, 19 and 20 year olds have the right to make decisions about themselves, including the right to refuse lifesaving medical decisions.



**NATO**

Information Source: The National Association of Tobacco Outlets, Inc.