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Fight Continues to Raise Smoking Age

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The state of Hawaii has done it. So far, the California Legislature has not followed their lead. But the issue is still alive. Could California become the second state to raise the legal age to buy tobacco from 18 to 21? This is a report for *California Healthline*, a daily news service of the California HealthCare Foundation. I'm Kenny Goldberg.

State Sen. Ed Hernandez (D-West Covina) says his measure to raise the minimum age to buy cigarettes aims to reduce the number of young adults who get addicted to smoking.

***(Hernandez): "Not only to reduce that number, but more importantly to get them to not smoke, so that they don't become lifetime smokers and have chronic illness, cancer -- and that leads to very, very high health care costs."***

Hernandez says those health care costs are borne by everyone. But he says it isn't just a matter of dollars and cents.

***(Hernandez): "To me, it's a much bigger social issue. The tobacco industry is targeting young individuals so they can have customers for the rest of their life, until they die."***

In a report released in March, the national Institute of Medicine examined the public health implications of changing the minimum age to buy tobacco to 21. If that were to occur nationwide, it predicted there would be 223,000 fewer premature deaths and 50,000 fewer deaths from lung cancer for younger Americans born between 2000 and 2019.

Debra Kelley is the American Lung Association's director of programs and advocacy in San Diego and Imperial counties. She says there's a crucial age when smoking can become a lifetime addiction.

***(Kelley): "That's when the tobacco industry can basically turn an experimental smoker into an addicted smoker. It really occurs during that 18- to 21-year-old time frame."***

But Bill Dombrowski, president of the California Retailers Association, says the measure takes things way too far. He says there's already a law that prevents kids from buying cigarettes.

***(Dombrowski): "Once you turn 18, I mean, you are an adult. You are voting, you're going to Afghanistan, maybe. To not be able to consume a legal product to me just seems misguided."***

Dombrowski also says the measure could cost the state money. He argues raising the legal age would create a massive black market for cigarettes in California. And that, he says, would deprive the state of tax revenue.

***(Dombrowski): "There's no practical policy argument you can make. And the people who have to make those decisions, who have to put their name on the line and vote on it, don't buy the arguments proponents are making. So the bill is never going to become law."***

Just a few months ago, the Northern California town of Healdsburg became the first city in the state to approve such a law. But when the National Association of Tobacco Outlets threatened to challenge the law in court, city officials put the ordinance on hold.

Former Healdsburg Mayor Jim Wood (D) was instrumental in getting the law passed. He's now in the state Assembly, where he has co-authored Hernandez's bill. Wood says the tobacco industry has a lot of clout.

***(Wood): "Over 70% of Californians agree this is a good thing to do, yet when you get down to trying to get a vote on the floor of the Assembly, I couldn't get to 41. I couldn't get to half of the Legislature plus one."***

The measure stalled in the Assembly earlier this year, after the Senate approved it. Hernandez reintroduced the bill during the special legislative session on health care. That gives the measure another chance in 2016. But Hernandez is under no illusions.

***(Hernandez): "So yeah, it's a tough fight, and I understand that. But I'm determined to continue to bring back the issue and make it public."***

Meanwhile, on the county level, Santa Clara County has approved an ordinance to raise the minimum age to buy cigarettes to 21. It will take effect next year. San Francisco is considering the idea, after a county supervisor introduced a similar measure in November.

This has been a report for *California Healthline*, a daily news service of the California HealthCare Foundation. If you have feedback or other issues you'd like to have addressed, please email us at [CHL@CHCF.org](mailto:CHL@CHCF.org). I'm Kenny Goldberg. Thanks for listening.