

California lawmakers near vote on raising smoking age to 21

March 10 2016, by Jonathan J. Cooper

California's Senate is poised to vote on a sweeping package of anti-smoking measures—including raising the smoking age to 21— as lawmakers try to crack down on tobacco use and the health problems that flow from it.

If the Senate approves Thursday and Gov. Jerry Brown signs off, California would become the second state to move the age to buy cigarettes from 18 to 21, and [electronic cigarettes](#) would face the same restrictions as tobacco products.

The six bills represent California's most substantial anti-tobacco push in nearly two decades, the American Cancer Society said. But advocates couldn't garner enough support to raise [cigarette taxes](#), which requires a two-thirds supermajority. The Cancer Society and other groups are seeking to qualify an initiative for the 2016 ballot.

"With California having such a huge population it's going to be very impactful nationwide," said Cathy Callaway, associate director of state and local campaigns for the American Cancer Society.

Thursday's vote comes amid intense lobbying from tobacco interests and fierce opposition from many Republicans, who say the state should butt out of people's personal decisions, even if they're harmful to health.

Still, the bills are likely to pass the Democratic-controlled Senate, which approved substantially similar legislation last year before it stalled in the

Assembly.

A spokesman for the Democratic governor said last week that the governor generally doesn't comment on pending legislation.

The Senate vote would come just over a week after San Francisco supervisors opted to raise the tobacco-purchase age, making it the second largest city to do so after New York. Nationwide, more than 120 jurisdictions have raised the smoking age to 21, according to Tobacco 21, a group that advocates the policy shift nationally. Hawaii was first to adopt 21 as the smoking age statewide.

New Jersey's Legislature voted to raise the smoking age from 19 to 21, but the bill died when Republican Gov. Chris Christie decided not to act on it before a January deadline.

Advocates of a higher smoking age note that the vast majority of smokers start before they're 18, according to data from the U.S. surgeon general. Making it illegal for 18-year-old high school students to buy tobacco for their underage friends will make it more difficult for teens to get ahold of tobacco products, they say.

Critics say adults are trusted to make weighty decisions to vote or join the military once they turn 18. In response, Democrats changed the bill to allow members of the military to continue buying cigarettes at 18.

"You can commit a felony when you're 18 years old and for the rest of your life be in prison," said Assembly Minority Leader Chad Hayes, R-Yucca Valley. "And yet you can't buy a pack of cigarettes."

Another bill would classify increasingly popular e-cigarettes, or "vaping" devices, as [tobacco products](#) subject to the same restrictions on who can purchase them and where they can be used.

The federal Food and Drug Administration has proposed regulating e-cigarettes but the rule hasn't taken effect. Anti-tobacco advocates fear that vaporizers are enticing to young people and may encourage them to eventually take up smoking. Others say they are a less-harmful, tar-free alternative to cigarettes. They haven't been extensively studied, and there's no scientific consensus on their harms or benefits.

The package would expand smoke-free areas to include bars, workplace breakrooms, small businesses, warehouses and hotel lobbies and meeting rooms. Smoking bans would apply at more schools, including charter schools, and counties would be able to raise their own cigarette taxes beyond the state's levy of \$0.87 per pack.

Meanwhile, anti-smoking groups are collecting signatures for a ballot initiative that would raise the cigarette tax to \$2 a pack and direct the money to be used for purposes including health care, tobacco-use prevention, research and law enforcement. With backing from wealthy liberal donor Tom Steyer, organizers have collected at least 25 percent of the signatures they need to place the measure on the November ballot.

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