



## SUMMIT COUNTY PUBLIC HEALTH

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### STAFF REPORT

TO: Board of County Commissioners of Summit County

FROM: Amy Wineland, Public Health Director

DATE: October 8, 2019

SUBJECT: Establishing a Retail Tobacco License and Increasing the Minimum Legal Sales Age for Tobacco Products

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### BACKGROUND/ANALYSIS

According to the 2017 Health Kids Colorado Survey, both cigarette and e-cigarette use by Summit County youth is on the rise. In 2017, 16.2% of high schoolers reported smoking cigarettes, compared to 4.7% in 2015 and 40% reported use of e-cigarettes, compared to 26% in 2015. This is higher than both the State and National rate, 26% and 27% respectively. The survey also showed that 73% of students feel that these products are easy to get versus 57% statewide.

With the passage of HB 19-1033 last spring, local governments now have the authority to enact more stringent policies to regulate nicotine products, including pricing. To harness this opportunity, a workgroup representing all jurisdictions within Summit County was assembled this past May to explore the opportunity/possibility of a county-wide effort to curb youth use. To avoid a patchwork effect where one jurisdiction might have more stringent policies or lower prices, the consensus was to look at implementing three proven local strategies across the County including increased pricing, increasing the legal age of purchase, and tobacco retail licensing.

Summit County Public Health (SCPH) recognizes that the use of tobacco products has devastating health and economic consequences. Nicotine is a highly addictive and deadly substance. It remains the number one cause of preventable death, killing 500,000 Americans a year. Tobacco product use leads to more than \$300 billion in health care and lost worker productivity costs each year.

SCPH further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and youth begin using these products are likely to become lifelong users. The parts of the brain most responsible for decision making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine and nicotine addiction, as a result, 3 out of 4 teen smokers end up smoking into adulthood. Youth substance use is also associated with lower academic achievement, associated with increased risk of injuries and worse mental health outcomes. Electronic cigarette use, or vaping, has increased at an alarming rate, especially among youth. The Surgeon General has declared an epidemic and predicts that 5.6 million children alive today between 0-17 will die a premature death if action is not taken.

Raising the age of sale to 21 is the best approach to address access via social sources. Research shows that youth smokers identify social sources such as friends and classmates, as their suppliers for these products. Roughly 350 kids under the age of 18 become regular smokers each day, one in three

will die prematurely as a result. National data show that 95% of adults who smoke begin smoking before they turn 21.

Some argue that 18 year olds can join the military and, therefore, should be allowed to purchase tobacco products. Military leaders actually recognize the negative impact of tobacco on troop readiness and soldiers' health. And, in fact, the Department of Defense, the Army, Navy, Marines and Air Force have each set goals to become tobacco-free. Those that serve in the military are valued and we should also value their health. There is no safe level of exposure to tobacco. It is an addiction. Tobacco companies target young people before they can fully appreciate the consequences of becoming addicted. In fact, nearly 70% of adult smokers want to quit and 75% of adults are in favor of raising the age to 21.

With regard to retail licensing, currently only half of known retailers are checked every year by state-level enforcement. That makes it harder to know when retailers are selling to minors, and impossible to consistently enforce the age laws Colorado already has in place. So, while many tobacco retailers follow the law without a license, those that sell tobacco products illegally to minors face limited consequences.

## BENEFITS

Comprehensive approaches to addressing public health problems work. Much like increasing the minimum drinking age has not eliminated underage drinking, a higher MLSA and licensing are not likely to eliminate underage tobacco use. Rather, they are part of a comprehensive tobacco control effort that offers several benefits that could help reduce youth tobacco use and increase the likelihood that youth will grow up to be tobacco-free. The benefits include:

- Retail licensing provides a foundation for increasing the age and price. It provides for meaningful penalties for those retailers that sell to minors and infrastructure to support administration and enforcement.
- Retail licensing prevents or delays initiation of tobacco use among youth and young adults by 11-25%.
- Delaying the age when young people first begin using tobacco would reduce the risk that they will transition to regular or daily tobacco use and increase their chances of quitting, if they become regular users.
- Raising the age of sale to 21 would increase the age gap between adolescents initiating tobacco use and those who can legally provide them with tobacco products by helping to keep tobacco out of schools.
- Younger adolescents would also have a harder time passing themselves off as 21-year-olds than they would 18-year-olds, which could reduce underage sales.
- Raising the age is consistent with the legal age of purchase for alcohol and marijuana products.

## OTHER JURISDICTIONS

Local governments across the country have used their authority to enact tobacco control policies to protect communities from tobacco-related harms and youth tobacco initiation. Currently, there are 17 states with statewide legal age of purchase of 21 and 489 cities. Eagle and Pitkin County are also currently working on implementing similar strategies. And several other western slope communities

have already enacted them including: Frisco, Breckenridge, Silverthorne, Dillon, Aspen, Basalt and Avon.

RECOMMENDATION

Adopt ordinance establishing retail tobacco licensing and the minimum age of legal sale for tobacco products to 21.