



Tobacco Age Limit: 18 to 21

Issue

In 2019, several bills were filed in Tennessee to increase the age to legally purchase and use tobacco products to 21 years old. All legislation related to increasing the legal age limit either failed in committee or was moved to the first calendar of 2020 in assigned committees. The legislation would have included the purchase and use of nicotine vaping products. The use of vaping products by minors is an impetus for new discussion regarding age restrictions for all types of tobacco and tobacco derived products. Eighteen states and the District of Columbia have set the age to purchase tobacco to 21. Furthermore, there is a national movement to change the tobacco age to 21 on the federal level which is supported by some tobacco companies and US Senate Majority Leader Mitch McConnell (R) of Kentucky.

Background

The state legislation to raise the tobacco age from 18 to 21 from members of both political parties. The legislation not only would have restricted the purchase of tobacco and vaping products but restricts use of these products for individuals up to 21 years of age. Individuals 18 to 20 from other states traveling through or locating in Tennessee would not legally be allowed to use these products. If Tennessee would pass this type of legislation, there would be six border states have a different age restriction.

Eighteen states—Arkansas, California, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Oregon, Texas, Utah, Virginia, Vermont and Washington— as well as the District of Columbia and Guam have set the age to purchase tobacco to 21. Furthermore, several states allow local governments to regulate tobacco sales. Outside of the states listed above, some city or counties in the following state have moved the tobacco purchase age to 21: Alaska (1 city), Arizona (3 cities), Colorado (6 cities), Florida (1 county), Kansas (3 counties, 19 cities), Michigan (1 city, 1 county), Minnesota (6 counties, 31 cities), Mississippi (1 county), Missouri (2 counties, 16 cities), New Hampshire (2 cities), Rhode Island (2 cities). Tennessee law does not allow local governments to set the tobacco age.

Farm Bureau opposed the state legislation as our policy supports the rights of users and non-users. This legislation infringes on rights of individuals based on age regardless of where they reside. Farm Bureau's main discussion point against the state legislation was this is an interstate commerce issue and therefore is a function of the federal government. Many people who use tobacco products between the ages of 18 and 20 come to Tennessee by choice and some do not have a choice, such as the military. This also puts retailers and other businesses in surrounding states at a competitive advantage to Tennessee retailers. The Farm Bureau Tobacco Advisory Committee met and reiterated Farm Bureau's statement to oppose the age increase. Farm Bureau believes issues involving interstate commerce is a function of the federal government. While this is a controversial and personal issue for many individuals, maintaining consistency for regulation of agricultural products from state to state was a priority.

Proponents of the age restriction being moved argue that 94% of adult smokers had their first cigarette before turning 21, and 81% before age 18. Proponents believe smokers aged 18 and 19 years old are often a supplier for younger kids who rely on friends, classmates and peers to buy tobacco products. Furthermore, their argument is that since students do not typically reach 21 years old while still in high school, increasing the age of sale would greatly reduce the number of high school students who could purchase tobacco products.

In addition to the state effort, there is also a national movement to change the tobacco age to 21 on the federal level. In April of 2019, US Senate Majority Leader Mitch McConnell (R) of Kentucky announced that he would be introducing legislation to raise the age from 18 to 21. McConnell said his support comes from the "unprecedented spike" in the number of teenagers who were vaping, or smoking e-cigarettes. He has said the issue is "top priority." A 2017 study from the Centers for Disease Control found that more than 63% of middle and high school tobacco users used flavored tobacco in the past month. Some tobacco companies like Altria

(who wholly-own Phillip Morris USA, US Smokeless Tobacco, and others; and has stake in JUUL a large e-cigarette manufacturer) support the legislation. The legislation, S.1258, has been named the Tobacco-Free Youth Act. McConnell's main co-sponsor of the legislation is Senator Tim Kaine (D) of Virginia. News articles often point out the fact that McConnell and Kaine both come from top producing tobacco states.

According to the United States Centers for Disease Control, smoking-related illness in the United States costs more than \$300 billion each year: nearly \$170 billion for direct medical care for adults and more than \$156 billion in lost productivity, including \$5.6 billion in lost productivity due to secondhand smoke exposure.

Additionally, proponents of the age move argue that national sales age of 21 for alcohol sales resulted in reduced alcohol consumption among youth, decreased alcohol dependence and has led to a dramatic reduction in drunk driving fatalities. They predict that raising the national sales age for tobacco products will have similar effects.

U.S. tobacco production has decreased significantly since the 1980s from nearly 180,000 tobacco-growing farms to about 10,000 in 2012 and just over 6000 in 2017. However, the United States continues to be a leading producer of tobacco following only China, India, and Brazil. In 2018, farms in the United States harvested more than 533 million pounds of tobacco. In 2018, two states—North Carolina and Kentucky—accounted for more than 70% of total tobacco cultivation. Tennessee ranks 4th in production behind, North Carolina, Kentucky, and Virginia. The National Agricultural Statistics Service (NASS) reports that only seven states produce tobacco at a measurable level. The following graph from NASS represents the trends of production in those seven between 2016-2018:

Tobacco Area Harvested, Yield, and Production – States and United States: 2016-2018

State	Area harvested			Yield per acre		
	2016	2017	2018	2016	2017	2018
	(acres)	(acres)	(acres)	(pounds)	(pounds)	(pounds)
Georgia	13,500	12,500	12,500	2,100	2,100	1,900
Kentucky	75,300	80,500	68,100	1,810	2,277	1,973
North Carolina	166,000	163,900	152,750	1,999	2,197	1,649
Pennsylvania	8,200	8,100	7,800	2,495	2,344	2,231
South Carolina	13,000	12,000	12,300	1,900	2,100	1,800
Tennessee	20,200	21,100	15,700	1,767	2,038	2,523
Virginia	23,460	23,370	22,280	2,193	2,284	1,977
United States	319,660	321,470	291,430	1,967	2,209	1,830

State	Production		
	2016	2017	2018
	(1,000 pounds)	(1,000 pounds)	(1,000 pounds)
Georgia	28,350	26,250	23,750
Kentucky	136,280	183,300	134,370
North Carolina	331,800	360,040	251,925
Pennsylvania	20,460	18,990	17,400
South Carolina	24,700	25,200	22,140
Tennessee	35,690	43,000	39,610
Virginia	51,440	53,381	44,046
United States	628,720	710,161	533,241

US tobacco production for 2018 was estimated at 533 million pounds, down 25% from the previous year. Growers harvested 291,430 acres, down 9% from a year earlier. Yield per acre averaged 1,830 pounds, down 379 pounds per acre from 2017. The 2017 Census of Agriculture reported that there were 6,234 farms that grew tobacco in the United States at a farm sales value of \$1.47 billion, with Tennessee having 598 farms with a farm sales value of \$99 million.

Questions

1. Do you believe that the tobacco age should be raised from 18-21?
2. Do you believe that this a state or federal issue?
3. Should Farm Bureau policy be changed pertaining to the effort to raise the tobacco age from 18-21?

Farm Bureau Policy

Tobacco

Elected officials and other citizens need to understand how tobacco production benefits Tennessee. Tobacco farming and processing creates and preserves jobs and generates tax revenue of which approximately \$251 million will go to fund K-12 education, higher education, trauma centers and agriculture in Tennessee in 2017 - 2018.

Since there are many potential uses of tobacco, the Legislature should appropriate adequate funds for research.

We encourage tobacco companies to continue to support research and development carried out by U.T. Research and Education Centers. This is a valuable service to farmers who continue growing tobacco.

We urge the tobacco companies to conduct their procurement procedures in a manner that builds integrity in the tobacco market. Contract relationships should be constructed with equal commitment from all parties.

Recognizing that tobacco is a legal crop, we support USDA collecting data and issuing reports on tobacco acreage, production, and prices received by tobacco type. We also support authorizing the Farm Service Agency (FSA) to collect data and provide market analysis on tobacco.

We support efforts to include foreign buyers in our market system. We realize the need for foreign market promotion and support a referendum for a grower imposed voluntary promotion check-off.

Tobacco farmers do not claim there are no health risks involved in the use of tobacco. The rights of both nonusers and users should be appreciated and recognized.

We support the state law to prohibit the sale of tobacco products and nicotine delivery devices to minors.

We support the deglamorization of tobacco products to teenagers and urge the tobacco industry to impose reasonable restrictions on advertising to deter the use of tobacco products by minors.

TFBF must remain vigilant for the challenges that will come with a changing industry by preserving an environment that is not adverse to the quality and price relationship to market determination for those who continue to grow tobacco.

We oppose lowering the regulatory permissible levels of naturally occurring compounds in tobacco products if those levels are currently unattainable through plant breeding, production practices, and/or the curing process.

*Produced in 2019 by the Tennessee Farm Bureau Federation
147 Bear Creek Pike, Columbia, TN 38401*