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# MEMORANDUM

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Date: January 6, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Prohibition of Tobacco Product Sales to Persons Under 21 Years of Age**

Please see the attached January 3, 2020 memorandum from Deputy County Administrator Dr. Francisco García. The memorandum provides information regarding the recent federal legislation passed to limit the sale of tobacco products to anyone under the age of 21.

Please note the federal law takes effect 90 days after publication of a final rule. It is unlikely a final rule will be published within the next six months. Hence, the effective date of the law prohibiting the sale of tobacco to persons under the age of 21 will likely be one year into the future or longer.

In addition, the law does require each state to enact and enforce laws prohibiting the sale of tobacco products to individuals under the age of 18. I assume the upcoming session of the Arizona Legislature will address this issue. If approved by the Legislature and signed by the Governor, the effective date would be in the latter part of 2020.

CHH/anc

Attachment

c: Jan Leshar, Chief Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
Health and Community Services  
Michael Racy, Racy Associates, Inc.



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# MEMORANDUM

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Date: January 3, 2020

To: C.H. Huckelberry  
County Administrator

From: Francisco García, MD, MPH,  
Deputy County Administrator

A handwritten signature in blue ink, appearing to be "F. Garcia", is written over the name of the sender.

Re: **T21 Federal Update**

In mid-December, Congress passed and the President signed a budget bill that includes a provision to raise the federal age of purchase for all tobacco products to 21 years. This policy change is included in an end of year package that funds the federal government for the remainder of FY2020.

This congressional action amends the Tobacco Control Act of 2009, which established at that time a federal age of sale of 18. These provisions take effect after the Secretary of Health & Human Services publishes a final rule amending FDA regulations within 180 days of enactment of the law. The federal law then takes effect 90 days after the publication of that final rule.

FDA's existing enforcement authority as granted by the Tobacco Control Act currently involve both federal and state enforcement agencies, and applies to each of the states and territories. Age verification requirements would apply to individuals up to the age of 30. The new federal law applies to all tobacco products, including electronic/vaped tobacco. It does not preempt state and local tobacco control laws. I also do not believe it applies to sales occurring in sovereign Indian nations. It does not apply to other vaped substances including cannabis related preparations.

In addition to raising the federal age of sale to 21, the law amends existing provisions of the Public Health Service Act related to the Synar Program. The Synar Program established in 1992 requires states to enact and enforce laws prohibiting the sale of tobacco products to individuals under the age of 18. Non-compliant states lose Federal Substance Abuse Prevention and Treatment Block Grant Funding.

The current legislation amends the Synar Program by raising the age at which states must ensure tobacco retailers are not selling to individuals under the age of 21. It includes funding for states to implement this provision, as well as a transitional period in which HHS can use discretion to enforce State compliance.

Mr. Huckelberry  
Re: **T21 Federal Update**  
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The federal action in this area is welcomed and potentially hugely impactful. Tobacco related illness remains the most important cause of preventable morbidity and mortality. This action does not however affect the larger epidemic of adolescent vaping and its related health effects.

FG/anc

c: Jan Leshar, Chief Deputy County Administrator