



American Cancer Society  
Cancer Action Network  
725 Heartland Trail, Suite 301  
Madison, WI 53717  
[fightcancer.org](http://fightcancer.org)

### Wisconsin Tobacco 21 Memo

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, non-partisan advocacy affiliate of the American Cancer Society advocates for public policies that reduce death and suffering from cancer including policies targeted at reducing tobacco use. ACS CAN believes this is a critical moment to have robust discussions about regulating tobacco and electronic cigarettes. While we applaud the efforts of the authors and co-authors, in its current form, ACS CAN cannot support Senate Bill 364/Assembly Bill 422 – a bill to raise the minimum age for the sale of tobacco products to 21 years old – because it addresses the right problem in the wrong way. Many critical elements and updates are missing from the current draft of this bill. The devil is in the details on this and we owe it to our kids and youth to get the details right.

Increasing the sale age for tobacco products to 21, is a promising intervention worthy of discussion as a complimentary part of a comprehensive tobacco control strategy that includes proven ways to reduce death and suffering from tobacco-related illnesses including regular and significant tobacco tax increases, comprehensive smoke-free workplace laws, and fully funded tobacco cessation and prevention programs to reduce youth initiation and help tobacco users quit. Laws aimed to restrict youth commercial access to tobacco products are only effective when combined with interventions to educate retailers, mobilize the community, and actively enforce the laws.<sup>1</sup>

#### ACS CAN's Guide to Effective Tobacco 21 Laws

##### **Strong tobacco 21 laws DO:**

- Cover all tobacco products, including electronic cigarettes.
- Implement measures that enable active enforcement, such as retailer licensing and penalties, including license suspension and revocation.

##### **Strong tobacco 21 laws DO NOT:**

- Create new categories of products, which exempt certain products from other tobacco control laws.
- Penalize youths.
- Preempt other jurisdictions from passing strong tobacco control laws.

It is important to note that it takes more than just changing 18 to 21 in existing statutes for the desired health benefits to be reached. An effective Tobacco 21 law includes all tobacco products, including electronic cigarettes, while not creating new categories of products which exempt certain products from other tobacco control laws. Providing a comprehensive definition of “tobacco products” can aid in compliance and enforcement by clearly and consistently specifying what exactly is being prohibited without exempting products from other evidence-based tobacco control laws.

This bill fails to adequately address enforcement of the law as retailers of all products are not required to be licensed. Without this licensing requirement, there will be no mechanism for compliance.

The bill also fails to remove preemption which would give local governments the authority to pass and enforce local laws that are stronger than the state law. Allowing local governments to pass and implement public health policies creates an opportunity for community debate, education and engagement that is unparalleled at the state level and often results in more sustainable and effective policies. Preemption remains a top priority for Big Tobacco as it allows the industry to protect its profits by preventing the passage of tobacco control policies that would keep people from starting to use their deadly products and help others quit.

Restricting youth and young adult access to tobacco products can be a critical component to a comprehensive strategy to reduce initiation and lifelong addiction, but the devil is in the details. ACS CAN supports tobacco 21 laws that are designed to best prevent youth use of all tobacco products. These laws should not create new categories of products, must include a licensing requirement for all tobacco and e-cigarette retailers in order to have a strong enforcement and penalty mechanism and should not prevent local officials' ability to pass and enforce laws that protect the public's health.

We look forward to working with lawmakers to improve this bill and stand ready to have important conversations about this and additional public health best practices on how to protect our youth from a lifetime of addiction.

For more information, contact Sara Sahli, Wisconsin Government Relations Director, ACS CAN at: [sara.sahli@cancer.org](mailto:sara.sahli@cancer.org) or 608-662-7557.

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<sup>1</sup> Guide to Community Preventive Services. Community mobilization with additional interventions to restrict minors' access to tobacco products. [www.thecommunityguide.org/tobacco/communityinterventions.html](http://www.thecommunityguide.org/tobacco/communityinterventions.html). June 2001.