



From Access to Accountability: Will Raising the Purchase Age for Tobacco Products Make a Difference?

He was twelve when he bought a vape product from another student. Why? “Because I was trying to fit in. I thought it was cool,” says Jase Gordon, now thirteen. Accessibility? Easy, according to Jase. “Kids sell them to make money. It’s easy to get them if you know the right person to ask.” Jase says students who are selling the products typically gain access to them through family members like older siblings who are ready and willing to purchase them on their behalf.

Callie Hebert, a sophomore at Pearl River Central High School in Carriere, Mississippi agrees. “They are easy to obtain because most teens have older friends who will happily buy the products for them,” she says. “It is very easy to get vapes and electronic cigarettes because they are sold at gas stations and other places where most of the time, they [merchants] do not check ID for your age.” According to Callie, the attraction is a desire to be perceived as “cool.” Often students will be “called names if they don’t do what their friends do,” she says.

E-cigarettes are called by many names, but one fact is clear. They are now the most commonly used tobacco products among youth today.¹ According to the 2020 National Youth Tobacco Survey, about 1 of every 5 high school students (19.6%) reported that they used e-cigarettes in the past 30 days (conducted between January and March 2020). About 1 of every 20 middle school students (4.7%) reported they used them during the same time period.² Here in Mississippi, the Mississippi Youth Tobacco Survey (MYTS) results indicate that nearly one quarter (21.3%) of the state’s high school students reported using e-cigarettes within the past 30 days in 2019 while 8.6% of the state’s middle school students reported use during the same time period. Combined, that is 37,108 of students enrolled in Mississippi public schools who are self-reporting e-cigarette use.³

**Current Electronic Cigarette Use
(Public High School)**

	2010	2019	% Change
Overall	1.2%	21.3%	↑ 1675.0*
Female	1.1%	21.3%	↑ 1836.4*
Male	1.3%	21.4%	↑ 1546.2*
White	1.8%	33.2%	↑ 1744.4*
Black	0.6%	9.2%	↑ 1433.3*
9th	1.2%	17.2%	↑ 1333.3*
10th	0.9%	17.4%	↑ 1833.3*
11th	0.3%	23.0%	↑ 7566.7*
12th	2.5%	29.2%	↑ 1068.0*

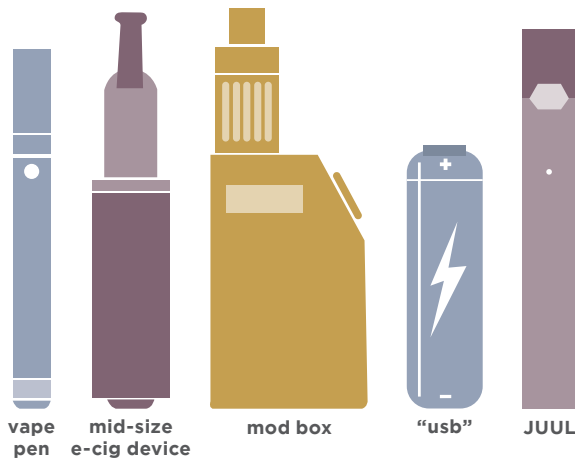
**Current Electronic Cigarette Use
(Public Middle School)**

	2010	2019	% Change
Overall	0.6%	8.6%	↑ 1333.3*
Female	0.5%	7.4%	↑ 1380.0*
Male	0.8%	9.4%	↑ 1075.0*
White	1.1%	13.2%	↑ 1100.0*
Black	0.3%	4.5%	↑ 1400.0*
6th	0.7%	4.1%	ns
7th	0.3%	7.4%	↑ 2366.7*
8th	1.0%	14.9%	↑ 1390.0*

Source | 2020 Mississippi Youth Tobacco Survey Data Book,
Mississippi Tobacco Data



electronic cigarettes 101



- Known by “**e-cigs, e-hookahs, mods, vape pens, vapes, tank systems, electronic nicotine delivery systems (ENDS)**”
- Produces aerosol by heating liquid **usually containing nicotine**, but **can also deliver marijuana** and other drugs
- Comes in **many** shapes and sizes
- Looks like a **regular cigarette, USB stick, or pen**
- Process usually called “**vaping**”

Source | Centers for Disease Control and Prevention

Traditional tobacco product use has taken a back seat to e-cigarettes among high school and middle school students. In 2019, 5.8% of high school students reported that they smoked cigarettes in the past 30 days; 2.3% of middle school students reported the same.² In Mississippi, the percentages were slightly higher (6.5% and 3.0% respectively).³ The e-cigarette epidemic has essentially erased the past progress the state and nation have made in reducing overall youth tobacco product use. Lewis Bradford, Assistant Principal at Northwest Rankin High School in Flowood, Mississippi acknowledges that vaping is more attractive than smoking a cigarette. “Students would never smoke a cigarette, but they hear all about this vaping thing that has taken off with popularity,” he says. “They have heard that it’s a healthy alternative, and they can hide it. There’s no smell; therefore, it’s appealing to them. It’s fruity; it’s flavorful. They think it’s something that’s not a big deal.”

Nearly 90% of cigarette smokers first try smoking by the age of 18 and **99%** by age 26

Source | US Department of Health and Human Services

Raising the Minimum Legal Sales Age to 21

Nearly 90% of cigarette smokers first try smoking by the age of 18 and 99% by age 26.⁴ This comes at a time when the brain is still evolving. It is believed that brain development continues until about age 25. Some cognitive abilities are achieved by age 16, but the parts of the brain most responsible for decision making, impulse control, peer susceptibility, and conformity continue to develop and change through young adulthood.⁵ The 18 to 21 age range is also a time when many smokers transition to regular use of cigarettes.⁶ The Centers for Disease Control (CDC) and health advocates such as the American Heart Association, the American Lung Association, and the American Cancer Society have long been in favor of raising the minimum legal sales age (MLSA) to 21 for traditional and e-cigarette products.

Numerous studies support such a measure including a 2015 report by the National Academies of Sciences, Engineering and Medicine that anticipated the implementation of Tobacco 21 laws (T21) would decrease tobacco use by 12% over time and smoking-related deaths by 10%. The study projected:

- Nearly 225,000 fewer premature deaths
- Nearly 50,000 fewer deaths from lung cancer
- Almost 300,000 fewer pre-term births
- 4.2 million fewer years of life lost for those born between 2000 and 2019⁵

12% Estimated decrease in tobacco use after T21 laws are enacted

Source | National Academies Press

Advocates also point to the town of Needham, Massachusetts which in 2005 passed the first T21 initiative in the country. A study comparing Needham teen tobacco use with teens in 16 surrounding counties in years 2006 to 2010 revealed the percentage rate for teens in Needham went from 13% during a thirty-day period in 2006 to 7% in 2010 compared to 15% and 12% in the surrounding communities.⁷



With growing concern for student safety and a scare that started in the restroom with a student inhaling a vape and resulted in a trip to the hospital, administrators at Northwest Rankin High School and Northwest Rankin Middle School, began to search for ways to address the vaping problem. “I knew if we didn’t do something, we were going to lose a student. We had to do all that we could possibly do to stop it,” says Ben Stein, Principal of Northwest Rankin High School, one of the state’s largest and most successful schools. It is to be noted, that Northwest Rankin High School is no different than any other high school in the country when it comes to the vaping crisis. Conversations with fellow school administrators across the state led Stein to an idea. Why not try to pass an ordinance in Flowood prohibiting the possession and use of electronic cigarettes and alternative nicotine products to those under the age of 21? He got the idea from colleagues in South Mississippi, returned to Rankin County and got to work. “It wasn’t hard to get people on board,” he says, “and it went from there.”

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Ben Stein, Principal, Northwest Rankin High School

Stein began with his school administrators who gathered data and pitched the idea to the chief of police. From there, more meetings were held, and more stakeholders joined the conversation. By the end of 2019, an ordinance was passed that was enacted in time for students’ return in January. “We weren’t being successful in stopping vaping, so we dug deeper because of how serious the particular topic was,” says Assistant Principal Bradford. “We were willing to put ourselves out there to set up the meeting. We didn’t know how the meeting would go, but we had to at least try.” Brandon, Mississippi also passed an ordinance, followed by a county-wide ordinance by the Rankin County Board of Supervisors. Upon return to school in January, daily announcements were made informing students of the new ordinance in place, and information about the dangers of vaping was disseminated through social media as well as the Rankin County School District’s website. The result? Positive. From August to December 2019, there were 75 incidents of students in grades 9-12 possessing vapes or e-cigarettes. That’s an average of 15 per month. From January through March 2020 when COVID closed in-person school, the number dropped to 13 with an average of 4.3 per month.⁸

Federal Legislation Becomes Law

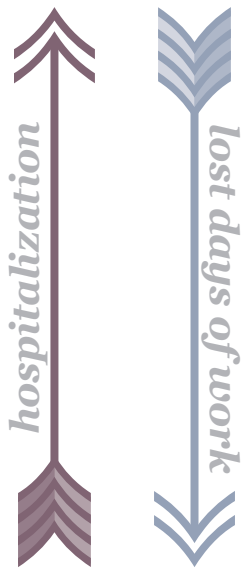
On December 20, 2019, the U.S. Congress raised the Minimum Legal Sales Age (MLSA) for tobacco products from 18 to 21 with a goal of reducing youth tobacco initiation. Before passage, localities such as Flowood and Brandon could pass T21 ordinances as well as states and territories, but there was no uniform legislation. At the time of passage, 19 states, the District of Columbia, Guam and Palau had enacted T21 initiatives—13 of which were passed in 2019 alone. At least 470 localities had also enacted T21 laws.⁹ The federal law does not pre-empt more stringent initiatives already put into place in localities and states. If state and local laws are not as strong, retailers must comply with the federal law.

“Smoking and vaping reduce the effectiveness of soldiers, sailors, airmen, and Marines, and additionally they increase our health care costs over the long run.”

Admiral James Winnefeld

Seven states (Arkansas, Virginia, California, Utah, Pennsylvania, Texas and Maryland) had state T21 laws already in place with one major difference – they included exemptions for those serving in the military.¹⁰ The federal law prohibits the sale of tobacco to anyone under the age of 21 including members of the military. Critics of raising the MSLA have long argued that if one can serve in the military at age 18, he or she should be allowed to purchase tobacco products if they so choose. However, military leaders cite impaired military readiness, reduction in physical performance and chronic illness in veterans to counter those arguments. “Smoking is highly addictive and harms the body,” says Admiral James Winnefeld, who served as the nation’s ninth Vice Chair of the Joint Chiefs of Staff before his retirement. “Those are not things we want to foster inside the military. Smoking and vaping reduce the effectiveness of soldiers, sailors, airmen, and Marines, and additionally they increase our health care costs over the long run.”





In fact, the Department of Defense spends about \$1.6 billion each year in tobacco-related expenses such as medical care, increased hospitalization, and lost days of work.¹¹ Among the 7.7 million veterans enrolled in the Veterans Health Administration (VHA), approximately \$2.7 billion of the \$40.2 billion spent annually on their health services can be attributed to the health effects of smoking.¹²

In July 2019, U.S. Surgeon General Jerome Adams and each of the Surgeons General of the Army, Navy, and Air Force published an appeal to military leadership stressing the negative impact of tobacco product use on the health and performance of those under their command. Additionally, they provided information to service members about cessation opportunities and the availability of FDA-approved medications and counseling through their TRICARE benefits plan.¹³ Admiral Winnefeld agrees that leadership can play an important role in helping to reduce tobacco use among service members. “We as leaders need to convey the message that smoking is very hazardous to your health, and it impacts your effectiveness as a soldier. Because we care about you, including your health, we are going to do everything we can to encourage you to use healthy practices, whether that relates to physical fitness, smoking, or alcohol use.”

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Mississippi’s Response

At the time when the federal T21 legislation was enacted, Mississippi had no state T21 law. Enter Representative Nick Bain from Corinth, Mississippi. “We have a lot of laws all over this country that are inconsistent with each other and yet are trying to have the same purpose,” he says. “Anything we can do to make it tougher for our youth to get hold of nicotine and alternative nicotine products, I think it’s incumbent upon the government to do so.” Bain’s initial interest in raising the MLSA is personal. He has three children—14 and under. A visit from a local middle school principal last year sparked his interest. “He came into my office with a plastic grocery bag full of vaping components that he had picked up in the school parking lot and hallways – all collected within the first month of the school year. So that really turned a light on, and then made me aware that this is a problem.”

Early in the 2020 legislative session, Bain introduced two bills in the House and ultimately was successful in attaching his legislative language to Senator Scott Delano’s SB2596 which revised the penalties for the sale of alcohol to minors. The tobacco provisions in SB2596 prohibit the sale of alternative nicotine products as well as traditional products to anyone under the age of 21 and spells out that no person within 1,500 feet of a building which is part of an educational facility may sell or furnish a nicotine product to someone under the age of 21. Retailers found to be in non-compliance will be charged a fine of \$250 for the first offense, \$500 for the second, and \$1,000 for the third.¹⁴

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Representative Nick Bain, District 2



The Office of Tobacco Control: An Integral Partner

SB2596 was signed into law by Governor Tate Reeves in July. The Office of the Mississippi Attorney General as well as local law enforcement agencies are charged with enforcing the law and conducting random, unannounced inspections at retail locations where alternative nicotine and traditional tobacco products are sold. In concert with these efforts, 34 Mississippi Tobacco Free Coalitions (MTFC's) are reaching out to merchants to aid them in understanding the new provisions of the law. With a presence in each of Mississippi's 82 counties, their efforts are supported by the Office of Tobacco Control (OTC), an arm of the Mississippi State Department of Health (MSDH). OTC's overall mission is to promote and protect the health of Mississippians by reducing tobacco-related disease and death. They follow guidelines set by the Centers for Disease Control (CDC) Best Practices for Comprehensive Tobacco Control Programs that include community interventions and programs; tobacco cessation intervention; surveillance and evaluation; and administration and management.

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Number of Mississippi Tobacco Free Coalitions with a presence in each of the state's 82 counties

“Some managers are aware of the information that I’m sharing, and some are not. Most are grateful for the information.”

Sharon Nettles, MTFC Project Director for Holmes, Yazoo and Madison Counties

As part of their annual OTC scope of work requirements, MTFC project directors conduct merchant training sessions for owners and their employees—especially helpful with the implementation of the new regulations. “The merchants have been open to the training and were glad to receive clear information about T21 because there has been some confusion regarding federal and state laws,” says Pamela Lang-Prestage, MTFC Project Director for Wayne, Clarke, and Jasper Counties. “The training is necessary to help clarify what the merchants need to do to abide by the law and keep tobacco from being sold to anyone under the age of 21.” Armed with merchant education resources (merchant checklist, Mississippi penalties for sale of tobacco to minors handout, a warning sign to be posted in the store, and a retail sales clerk agreement), Sharon Nettles, the MTFC Project Director for Holmes, Yazoo and Madison Counties says, “Some managers are aware of the information that I’m sharing, and some are not. Most are grateful for the information.” When she notices a store does not have a WARNING poster in full display, she makes sure it is posted before she leaves.

educate. prevent. reduce.
promote. eliminate.

The Mississippi Tobacco Free Coalitions are community-based **coalitions** that work to educate municipalities and schools regarding **smoke-free** air, prevent the initiation of **tobacco** use among youth, reduce exposure to secondhand **smoke**, promote cessation services, and eliminate **tobacco**-related disparities.



“Tobacco retail laws are not the only thing needed to keep kids safe from tobacco,” says Vickie Perry, Director of OTC’s Community Programs. “Community engagement and support, increased tobacco excise taxes, statewide smoke-free laws, and strong enforcement of existing laws are critical for effective tobacco prevention and control.” For the MTFC project directors, much of their time is spent within the schools in their communities – educating and making students aware of e-cigarette use. A new addition to the MTFC’s work, is *Catch My Breath*, an evidence-based e-cigarette prevention curriculum for 5th-12th graders. Each of the project directors has been trained specifically in administering the program and are required to conduct at least three training components per year. “The presentations are designed almost perfectly for its respective age groups,” says Ashlee Milan, MTFC Project Director for Lamar and Marion Counties. “The topics covered give them realistic, yet relatable examples, and they promote engagement throughout the sessions.” Even with Zoom presentations becoming the norm these days, Milan says her most recent sessions with an 8th grade English class were a success. “The responses of the students were very interactive and positive,” she says. “A variety of topics emerged including secondhand smoke exposure and how it affects asthma, how to approach parents who smoke, and the best approach to sharing information with peers without being offensive.” Melissa Nash, MTFC Project Director for Alcorn and Tippah Counties recently completed the *Catch My Breath* curriculum with 7th graders. “As with most topics, 7th graders have a lot to say, so there is lots of good discussion. I just have to be careful to explain the need for confidentiality so they don’t tell the class or me who vapes or is offering vapes.” She adds, “The *Catch My Breath* program focuses on how the tobacco/vape industry lies to them and targets them. The students are then able to understand this when it is explained to them. Hopefully, they will make better decisions now that they know the truth.”

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Vickie Perry, Director of OTC’s Community Programs

In addition to social media posts and intercom announcements, Northwest Rankin High School and Middle School are continuing to find ways to reach students and parents about the dangers of vaping. Student assemblies have been held, and parent presentations have been conducted. For those students who are disciplined for vaping, an internal vape education curriculum has been designed. Enrich MS, a non-profit foundation established by Jill Gordon, Jase’s mom has already held one statewide Vape Summit, with support from the OTC and is planning another virtually in the coming months. Enrich MS, the Rankin County School District and the College of Osteopathic Medicine at William Carey University are joining forces to create their own curriculum to be used in their schools. Mr. Stein at Northwest Rankin adds, “They [students] will be able to see some of the stats and data of what vaping can do to children and the effects of the stuff they are putting in vapes. They don’t realize that those things could be lethal.”



SAFE Project

Admiral Winnefeld's interest in youth initiation to cigarettes and alternative nicotine products is a personal one. He and his wife Mary lost their son Jonathan at the age of 19, to an accidental overdose of heroin which had been laced with fentanyl. "We caught him a few times in high school smoking cigarettes, and then all of a sudden, he was vaping," his father says. The Winnefelds believe Jonathan began to vape cannabis. "Vaping is a very efficient delivery system, so we were worried on both counts." Jonathan's interest in vaping initially came from a need to fit in with his peers. His father recalls, "Jonathan was very susceptible to peer pressure. All the cool kids were vaping." He cautions that later Jonathan was "armed to the teeth with propaganda," and suggests that parents and youth should pay attention to the vaping industry's messaging.

The Winnefelds have started the SAFE Project (Stop the Addiction Fatality Epidemic), a foundation that focuses on evidence-based programming that can contribute to overcoming the addiction epidemic in the United States. They focus primarily on achieving SAFE Communities, SAFE Campuses, and SAFE Veterans. The admiral travels the country sharing Jonathan's story with high school students. "They are interested in the science of what's happening. They just have no idea how the science of addiction works. I tell the story vicariously through my son. I share what was going on in Jonathan's brain while this was going on, and then I literally sit there watching the students think, 'you know, this would be happening in my brain if I was doing the same thing. So, I'm going to pay attention here.'" He suggests a similar format could be helpful in Mississippi. "Let's educate these kids on what's really happening both to their lungs and to their brains. I think it's worth a try."

Enforcement is the first line of defense in keeping tobacco products out of the hands of youth. The accountability and responsibility also lie with tobacco and vape merchants, law enforcement, community support systems, school landscapes, parents and students themselves. When youth are made aware of the dangers of all tobacco products and are given the knowledge and tools to resist peer pressure, they have a better chance of leading and becoming examples to others in their circles. Shea Taylor, Principal at Northwest Rankin Middle School reminds us, "It's critical that we begin to educate students, especially at 13 and 14 years old that this is not the time to start impressing others by doing things you don't need to do."

T21
a promising strategy
to *reduce smoking* initiation
and thus *reduce* regular smoking
before age
21

Source | Centers for Disease Control and Prevention



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additional resources

- Vaping prevention: www.healthyms.com/ecig
- MSDH Office of Tobacco Control: www.msdh.ms.gov
- Catch My Breath: www.catch.org
- SAFE Project: www.safeproject.us
- Rankin County School District: www.rcsd.ms
- Enrich MS: www.enrichms.org
- Tobacco Law Enforcement: www.msdh.ms.gov/tobacco

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