

Big Island raises legal age for tobacco sales - Hawaii News - Honolulu Star-Advertiser

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The prohibition on purchases by anyone younger than 21 includes electronic cigarettes

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Hawaii County as of now prohibits the sale of tobacco products to anyone under age 21, becoming only the fourth municipality in the country to do so.

While 18-year-olds will no longer be legally permitted to buy even electronic cigarettes on Hawaii island, it's the retailers whose feet will be held to the fire.

Anyone born after June 30, 1996, is prohibited from buying tobacco and e-cigarette products until they are 21, although a grandfather clause allows an exemption for those who reached 18 before Tuesday.

Councilman Dru Kanuha introduced the bill, and the County Council unanimously passed it in November. The mayor signed it in December.

Hawaii County became only the fourth city or county in the nation to prohibit the sale of tobacco products to anyone under 21.

Two small Massachusetts towns, Needham and Canton, were the first, and New York City beat out Hawaii County by a few days, said Jessica Yamauchi, director of the Coalition for a Tobacco-Free Hawaii.

Some retailers are crying foul over the new law because it includes electronic smoking devices in the definition of tobacco products. The devices neither emit smoke (only vapor) nor contain tobacco.

Mariner Revell, owner of a smoke shop called Puff Factory in Hilo, says the County Council was uninformed when it included e-cigarettes.

He said 18-year-old habitual smokers will no longer have the option to use e-cigarettes as smoking cessation devices.

He said 70 percent of his customers used e-cigarettes to "either lower their use of tobacco or wean themselves totally. ... They are a healthier alternative to smoking."

Revell said that while at an informational meeting a couple of weeks ago, he was informed all liquids for

e-cigs, whether they contain nicotine or not, are banned under Ordinance No. 13-124.

"It's poorly written because they rushed it out of the gate," he said. "I don't want any 18-year-old to start smoking, but if I can help them stop, I help them."

Revell said roughly 20 percent of his customers are 18- to 20-year-olds, and he anticipates losing that sizable chunk of business.

Proponents of the new law said an age-21 minimum for smoking is a growing trend.

"It is starting to catch on," Yamauchi said. "Hawaii island is first (in the state). It was introduced at the state Legislature this past legislative session. It passed through one committee on each side and just didn't get another hearing."

Several other counties and states have introduced or are contemplating similar legislation.

Four states — Utah, New Jersey, Alaska and Alabama — require customers to be 19 to buy tobacco.

The impetus comes from a 2012 surgeon general's report showing 95 percent of adult smokers got started before age 21, Yamauchi said.

"If you can prevent them from starting before the age of 21, there's very little chance they'll become regular, addicted smokers," she said.

E-cigarettes were included because they can contain nicotine, which is a potentially addictive product. By exposing nonsmokers to the product and getting them to try it, they gain new consumers, Yamauchi said.

Revell objects, saying that is based on faulty research, and that many "vape" (a term for the use of e-cigarettes) with nicotine-free liquid. He said some asthmatics use the vaping devices to open up their airways with herbs and eucalyptus to soothe their lungs, he said.

Diabetics use the devices to inhale the non-nicotine liquid in vapor form to experience chocolate and other flavors without the sugar, he added.

Under the new law:

- » Anyone selling or distributing tobacco products or electronic smoking devices to an underage customer will be subject to a maximum \$2,000 fine.
- » Sale is prohibited to people born after June 30, 1996.
- » Signs are required to be posted through July 30, 2017, at every point of sale, or the retailer faces a fine of up to \$500.

Signs were sent in May to registered tobacco retailers. Additional signs are available at the mayor's offices in East and West Hawaii or by contacting the coalition coordinator at sally@tobacco-freehawaii.org.