



## *Office of the Onondaga County Legislature*

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### **PUBLIC HEARING TO CONSIDER ADOPTION OF A LOCAL LAW PROHIBITING THE SALE OF TOBACCO PRODUCTS OR HERBAL CIGARETTES, ROLLING PAPERS OR PIPES TO ANY ONE UNDER THE AGE OF 19**

**DECEMBER 19, 2006 - 12:30 P.M.**

**IN ATTENDANCE:** Legislators Kraft, Baker, Farrell, Rapp, Rhinehart, DiBlasi, Corbett, Stanczyk, Holmquist, Mulroy, Warner, Jordan, Kinne, Laguzza, Ryan, Winslow, Mr. Chairman

Chairman Sweetland called the hearing to order at 12:30 p.m. and asked for speakers wishing to be heard.

**MIKE PARZYCH:** Stated that thousands of G.I.s go through the airport every year going to Fort Drum. Sometimes they spent 4–6 hours there waiting for a shuttle. Would like an exception to the law so that military personnel can get tobacco products without worrying about it getting to high schoolers. It is very stressful when they are going to first permanent base, and many do smoke. An exemption should be made for military personnel, as they are different from the high schoolers that legislators are trying to protect.

**NANCY ST. ONGE, TOBACCO FREE ONONDAGA COUNTY:** Spoke in favor of the law. NYS Tobacco Control Program follows CEC's best practices. They see this legislation as part of the comprehensive strategy that also includes decreasing taxes, telemarketing, vigilant enforcement and community education. This legislation supports efforts to prevent initiation and decrease use of tobacco. Tobacco companies are targeting youth to become smokers. Regarding affecting adult behavior many 18 year old are still in high school and can legally purchase tobacco products for themselves and others. Numerous laws are consistent with gradually increasing ages for potentially dangerous areas: car permits, driving licenses, alcohol and firearms, snowmobile use and other potentially dangerous areas. The military allows 18 year olds to enlist, but it limits all tobacco use on facilities because of the fact that tobacco use is harmful to members. As a mother of a son who is in the Air Force now, she is very aware of the potential harm to him. If one harm can be prevented by limiting tobacco use at these ages, it is another benefit for them. There is no evidence that raise tobacco purchase to age 19 will not have a positive affect. Certainly it will sent a message to our community that we will do all we can to prevent the initiation of the deadly addiction. She referenced legislation affecting behavior norms, i.e. cell phone hands free legislation; we can presume tobacco 19 legislation would have the same effect of changing behaviors. This legislation is one way for Onondaga County to show leadership by saying that tobacco has no place in the lives of our youth, tobacco has no place in the health of the community.

**MARTHA RYAN, AMERICAN CANCER SOCIETY:** Spoke in favor of the law. The immediate affect would be to reduce the prevalence of cigarettes in the high school environment. It is critically important; over 16% of NYS high school youth report regular smoking. Numerous studies over the years have demonstrated that under age smokers get cigarettes from social sources. A recent study in California found that 59% of the 18 & 19 year-old smokers had been asked to purchase tobacco products for under-age friends. The tobacco industry has shifted focus to the 18-24 age group in light of restricted marketing practices to younger audiences. This is the only age group where tobacco smoking is actually increasing. Marketing to 18 year olds has also insured a steady supply of social sources for the underage smokers. There is already a mechanism in place in order to enforce this policy; raising the age in Onondaga County would be a simple implementation. Nassau and Suffolk Counties have already implemented tobacco 19 with ease. Alabama,

Alaska, Utah and New Jersey have tobacco 19 in place. Onondaga County would represent a growing number of communities who take bold steps in reducing adolescent smoking rates. A tobacco 19 law will be consistent with school policies already in place; it will help maintain a smoke-free environment in school settings, which is already the law; it will provide a basis for which to gather additional evidence on its efficacy; it will support the continued effort to de-normalize smoking, especially for our teenagers.

**JAMES CALVIN, NYS ASSOCIATION OF CONVENIENCE STORES:** The taxable sale of cigarettes to adult customers is a significant portion of their business. It is a much smaller pace in recent years because people who smoke have quit coming to the stores and have sought out unregulated, untaxed, unlicensed sources for tobacco. As a result, many stores in Onondaga County have lost 30% – 50% of their cigarette sales over the past 6 years. They call it a tax evasion stampede; it not only affects their stores but other things such as tax revenue to the State of New York, Onondaga County loses sales tax revenue. The effort to control access to sale of minors is reduced because when sales go to the Internet, reservations or black market, they are beyond the reach of any purchase age. Half of all cigarettes consumed in NYS are now purchased without the collection of NYS taxes. NYS Health Department has a report that was prepared for them that documented that in CNY 70% of smokers admit that they purchase their tobacco products from unregulated, untaxed, unlicensed sources. People, including 19 year olds, can access cigarettes very easily from other places other than their stores. As licensed, regulated retailers we exist in a world of double standards when it comes to regulating tobacco products. Society has zero tolerance for the sale of tobacco products to minors, but have a 100% tolerance for possession of tobacco products by minors. They get arrested if they have fireworks, alcoholic beverages, and graffiti tools. However, if they have cigarettes, there is no civil or criminal empathy for them. The Health Department does an excellent job at enforcing the sale of tobacco products to minors. They come into the store with an undercover minor attempting to buy tobacco products. Only 3 out of 100 times, are sales made to minors. However, if a group of teenagers across the street is smoking, the Health Dept official is powerless to stop them – there is no state or local law to take the cigarettes away or send kids to a tobacco cessation class. There are double standards; he referenced the provision of asking for identify if a person appears to be under 25 years old; but it will not be a defense for the retailer that the customer appeared to be over age 25. As long as 18 year old and other adults can obtain cigarettes from reservations, Internet, black market, we won't be able to reduce the access of tobacco products to younger kids. He said that the Association does not disagree with the problem; they disagree that it will make an impact – will have very minor impact with youth access tobacco. The stores are being asked to give up whatever sales they have for a questionable provision.

**DR. CYNTHIA MORROW, HEALTH DEPARTMENT COMMISSIONER:** Smoking is the leading cause of preventable deaths in the United States; 440,000 deaths/year in the U.S. A vast majority of adult smokers start smoking in their youth. Every year almost 4,000 youth start smoking for the first time. The Center of Disease Control has best practice guidelines, and the first element is preventing initiation of tobacco use among young people. Today we have heard that there is no evidence to support that it does work; there is no evidence to support that it doesn't work. There just isn't evidence because of the various factors. She is fully supportive of this local law.

**BLAIR HORNER, NYPIRG – (STATEMENT ON FILE)**

The meeting was adjourned at 1:10 p.m.

Respectfully submitted,



DEBORAH L. MATURO, Clerk  
Onondaga County Legislature