

States Should Enact Tobacco 21 to Reinforce New Federal Law

Congress has enacted legislation raising the federal minimum age to 21 for all tobacco products.

States should change their minimum age requirement to 21 in parallel.

First, raising the minimum age to 21 will help reverse underage vaping rates. FDA has called these rates an “epidemic” and we agree there is an urgent need to address this problem.

Second, different minimum age requirements at the federal and state level will confuse consumers and retailers, and lead to ineffective enforcement.

Third, up to 10% of future SAMHSA substance abuse grants to the states will be conditioned on states enforcing the new federal Tobacco 21 through their existing youth tobacco prevention inspections. In fiscal year 2018, 10% of these SAMHSA grants amounted to **\$392 million nationwide**.¹

Of note, this federal legislation also appropriates **\$18.58 million in transitional grants to states** to plan for or ensure compliance with these new requirements.

For these reasons, **states should act now to enact and enforce 21 as the legal age to purchase tobacco products** in their state.

SAMHSA Substance Abuse Grants to the States, FY 2018

	10% of Grants Amount		10% of Grants Amount
Alabama	\$5,406,776	Nebraska	\$1,739,221
Alaska	\$2,893,070	Nevada	\$3,851,022
Arizona	\$8,852,535	New Hamp.	\$3,878,981
Arkansas	\$2,952,143	New Jersey	\$12,401,856
California	\$42,389,269	New Mexico	\$2,880,523
Colorado	\$5,929,544	New York	\$22,114,720
Conn.	\$4,555,876	North Carolina	\$9,731,903
Delaware	\$2,679,616	North Dakota	\$1,739,980
Florida	\$21,124,140	Ohio	\$16,666,478
Georgia	\$11,008,667	Oklahoma	\$6,406,037
Hawaii	\$1,903,602	Oregon	\$4,664,982
Idaho	\$1,824,059	Pennsylvania	\$16,067,889
Illinois	\$13,504,236	Rhode Island	\$4,754,557
Indiana	\$7,194,704	South Carolina	\$5,151,730
Iowa	\$3,214,499	South Dakota	\$1,853,139
Kansas	\$2,175,645	Tennessee	\$8,157,377
Kentucky	\$7,463,344	Texas	\$24,804,250
Louisiana	\$5,389,673	Utah	\$3,864,674
Maine	\$1,927,794	Vermont	\$1,961,750
Maryland	\$8,738,405	Virginia	\$8,279,678
Mass.	\$11,399,381	Washington	\$12,986,040
Michigan	\$11,788,573	West Virginia	\$5,162,901
Minnesota	\$4,996,776	Wisconsin	\$6,453,398
Mississippi	\$3,028,488	Wyoming	\$1,211,263
Missouri	\$7,537,653	D.C.	\$3,543,364
Montana	\$2,343,658	Total	\$392,549,838

¹ “SAMHSA Grant Awards by State, FY 2018,” SAMHSA, <https://www.samhsa.gov/grants-awards-by-state?year=2018>.