



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
DIRECTOR, DEFENSE COMMISSARY AGENCY
DIRECTOR, DEFENSE HEALTH AGENCY
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Minimum Age for the Sale of Tobacco Products

Pursuant to Section I of Title I of Public Law 116-94, "Health and Human Services Extenders," it is unlawful for any retailer to sell tobacco products, including electronic nicotine delivery systems, to any person younger than 21 years of age. This law applies to retail outlets on DoD installations and facilities within the United States and its territories and possessions, and on U.S. naval vessels at a U.S. port. Outside the United States and its territories and possessions and on U.S. naval vessels at sea or at a foreign port, tobacco products may be sold to persons as allowed by the laws of the host country, but may not be sold to anyone under 18 years of age, provided that such sales do not contradict international laws or treaties to which the United States are party. When selling tobacco products within the United States, retailers must check a patron's identification if his or her age is not known to be over 21 and if the patron appears to be under 30 years of age. For locations outside the United States, retailers must check a patron's identification if his or her age is not known to be over 18 and if the patron appears to be under 27 years of age.

To minimize the potential mission impacts of implementing this law, ensure a consistent implementation DoD-wide, and to facilitate the availability of tobacco cessation products to remote and deployed locations, I direct that DoD commissary, exchange, and morale, welfare, and recreation outlets that sell tobacco products implement this policy on August 1, 2020. These outlets will post signs no later than July 1, 2020 to inform patrons of this policy change, and will endeavor to stock sufficient quantities of tobacco cessation products prior to its implementation. The Director, Defense Health Agency, in coordination with the Secretaries of the Military Departments, will ensure DoD medical treatment facilities have sufficient quantities of tobacco cessation products in stock as part of the TRICARE benefit for eligible beneficiaries, and will endeavor to provide appropriate counseling and treatment capacity at locations where Service members may attempt to quit tobacco product use as a result of this policy.

DoD Instructions 1330.21, 1015.10, and 1330.17 will be updated to reflect this guidance with the next revisions of these issuances. For information regarding this memorandum, contact Mr. Berry Patrick at berry.w.patrick.civ@mail.mil or (571) 372-6612.

Matthew P. Donovan

RAISING THE TOBACCO SALE AGE TO 21: IMPLICATIONS FOR THE MILITARY **(Excerpt from Campaign for Tobacco Free Kids Policy Brief)**

Our military leaders understand the toll tobacco takes on our troops. In a letter to all servicemembers, the surgeons general of the Air Force, Army, Navy, and the United States stated that, "Tobacco product use is a threat to the health and fitness of our forces and compromises readiness, the foundation of a strong national defense."¹ DoD's *Quit Tobacco—Make Everyone Proud* cessation campaign advertised quotes and videos from high-ranking military officials about the toll tobacco has on health and military readiness:

General Robert Magnus, now retired Assistant Commandant of the Marine Corps, stated, "*Tobacco impairs reaction time and judgment. It stands in the way of a Marine's number one priority: to be in top physical and mental shape - combat ready.*"²

Rodney J. McKinley, now retired Chief Master Sergeant of the Air Force has stated, "*Tobacco use impacts physical fitness, night vision and healing – it impairs mission readiness.*"³

Military officers and veterans have also spoken out in favor of tobacco 21 policies:

• After Hawaii raised its tobacco sale age to 21, effective January 1, 2016, Hawaii's military bases opted to comply with the higher age in recognition of its benefits to readiness, health and finances:¹² Bill Doughty, spokesman for the Navy Region Hawaii, stated, "*We see it as a fitness and readiness issue. When we can prevent sailors from smoking or using tobacco, if we can get them to quit, then that improves their fitness and readiness, and it saves them a ton of money too.*"⁴

Rear Admiral John Fuller, Navy Region Hawaii and Naval Surface Group Middle Pacific stated, "*I've heard this argument by some shipmates against cracking down on tobacco: 'If someone is young enough to die for their country, they should be free to be allowed to smoke.' But, turning that argument on its head: 'If someone is young enough to fight for their country, they should be free from addiction to a deadly drug.' Tobacco harms people's physical wellbeing, leads to illness and costs them money.*"⁵

Major General Michael Stencel, the Adjutant General for the state of Oregon, submitted testimony on behalf of the Oregon Military Department and the Oregon National Guard in support of the proposal to raise the state's tobacco sale age to 21. His statement included the following, "*Reducing tobacco use within the Oregon National Guard will have an immediate, positive impact on the resiliency and readiness of our Soldiers and Airmen.*"⁶

27-year senior officer of the Air Force and Chautauqua, New York, County Executive Vince Horrigan, stated, on signing a bill to raise the tobacco sale age to 21: "*As a retired 27-year senior officer of the Air Force, I join with many other military leaders in the perspective that tobacco products are a threat to our military readiness and too often compromise the health of our professional military who put their lives on the line to defend our freedoms.*"⁷

Major General Bret Daugherty, the Adjutant General for the state of Washington and Commander of the Washington National Guard stated in testimony supporting raising the tobacco sale age: "*...I want to address the age-old argument that if someone is old enough to serve their country in the military, then they are old enough to use tobacco products. This is clearly an outdated argument. There is a laundry list of things that we as a country have decided are contrary to the interest of young people and public health, whether they are in the military or not. Decades ago, this very body saw the wisdom in raising the drinking age to 21. That policy change significantly reduced drunk driving deaths and contributed to the overall health of our public here in the state.*"⁸

Retired military leaders supported an Illinois bill to raise the tobacco sale age to 21. Major General (Ret) William Enyart, U.S. Army, Former Adjutant General of Illinois, 2007-2013; Major General (Ret) Randal Thomas, U.S. Army Former Adjutant General of Illinois, 2003-2007; Brigadier General (Ret)

John "Jay" Sheedy, U.S. Air Force, Brigadier General (Ret) Avrum Mark Rabin, Illinois Air National Guard stated: "Americans owe much to the young people who choose to serve in our military. But early addiction to a deadly drug is no reward. Their physical fitness and health should be paramount in policymaking decisions."⁹

1. U.S. Department of Defense, *UCanQuit2.org*, <https://www.med.navy.mil/sites/nmcphc/Documents/health-promotion-wellness/tobacco-free-living/gen-magnus.pdf>.

2 U.S. Department of Defense, *UCanQuit2.org*, <https://www.mildenhall.af.mil/News/Article-Display/Article/273201/new-smoking-cessation-site-helps-airmen-kick-butts/>.

3 Seck, Hope Hodge. "Marines Will Comply With Hawaii Law Raising Smoking Age to 21," December 29, 2015, <http://www.military.com/daily-news/2015/12/29/marines-will-comply-with-hawaii-law-raising-smoking-age-to-21.html>; Uyeno, Kristine, "Tobacco, eCig laws take effect on New Year's Day; Hawaii first state to raise legal age to 21," December 28, 2015, <http://khon2.com/2015/12/28/new-years-day-tobacco-ecig-laws-hawaii-first-state-to-raise-legal-age-to-21-3/>

4 Houck, John, "Hawaii's Legal Smoking Age Increases to 21 Starting Today, New Law Will Penalize Retailers and Underage Smokers," *Inquisitr*, January 1, 2016, <http://www.inquisitr.com/2672520/hawaiis-legal-smoking-age-increases-to-21-starting-today-new-law-will-penalize-retailers-and-underage-smokers/>

5 Rear Admiral Fuller, John, "Young Enough To Not Die From Smoking," *Navy Medicine Live*, <http://navymedicine.navylive.dodlive.mil/archives/9815>

6 Major General Michael E. Stencil, *Testimony in Support of SB 754 to the Oregon State House Committee on Health Care*, April 24, 2017, <https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/122339>.

7 Chautauque County, New York, *Horrigan Provides Statement Upon Signing Local Law to Raise Tobacco Purchase Age*, May 17, 2017, <http://www.co.chautauqua.ny.us/CivicAlerts.aspx?AID=540>

8 Major General Bret Daugherty, *Testimony in Support of SB 5025 to the Washington State Senate Commerce, Labor, and Sports Committee*, February 9, 2017

9 Mission: Readiness, Military Leaders for Kids, *Letter in support of IL SB3011 to raise the tobacco sale age to 21*, April 19, 2016



The U.S. Military and Tobacco 21.

Tobacco Use Impacts Military Readiness and Resilience

Tobacco use affects mission readiness. Every day more than 1,200 people die in the country due to smoking. For each of those deaths, at least two young adults ages 18-25 became regular smokers. This age range is the most common age that service members begin smoking or progress from occasional use to regular use. 1,2

In 2009, the United States Department of Defense (DoD) and the Department of Veterans Affairs (VA) charged the Institute of Medicine (IOM) to provide direct evidence of the threat of tobacco use on military readiness and resilience. The IOM Report warned that smoking “adversely affects military readiness; harms the health and welfare of military families, retirees, and veterans; and costs the nation millions of dollars in health care and lost productivity each year.” 1

Tobacco use is cited as responsible for “higher dropout rates during and after basic training, poorer visual acuity, and a higher rate of absenteeism in active-duty military personnel, in addition to a multitude of health problems.” It noted “tobacco users...have lower levels of fitness and work capacity, decreased muscle endurance, impaired night vision and mental sharpness, and are more likely to be injured and experience wound healing complications compared to non-smoking troops.” 1, 2

Further, tobacco users in the armed forces were shown to have a higher absenteeism rate than non-tobacco users and are at greater risk for hospitalization due to chronic illnesses. It is estimated to cost the DoD over \$175 million (in 2015 dollars) in excess training costs per year because smokers are significantly more likely to be prematurely discharged. 8

E-Cigarettes and Impact on Military Readiness

The list of health issues related to tobacco use also encompasses the use of nicotine – indicting newer electronic nicotine delivery systems (ENDS) or “e-cigarettes.” Studies note the impact of tobacco and nicotine on the mental health of troops through several psychological and physiological mechanisms, including the impact of withdrawal symptoms (e.g., depression, irritability) when unable to consume tobacco^{1, 3} and the long-term neurobiological consequences of nicotine exposure. 3, 4, 9, 10

Electronic cigarettes have specifically been identified as an “emerging threat to force health, readiness and resilience in the US Army”, as declared by the Army Public Health Center (APHC). The APHC noted a comprehensive toxicological assessment of e-cigarette vaping and its relationship to military “force health, readiness, and resilience. That study defined “key issues [which] underpin public health concern from e-cig use, including “continued or emergent nicotine addiction and potential use of these devices for vaping controlled substances,” and inadvertent sudden-onset or chronic health effects from inhalational exposure to low levels of complex chemical toxicants from e-cig use and vaping....” 3, 4, 10

The study concluded that “opportunities exist to mitigate the impact on individual health and force readiness by extending current restrictions on combustible tobacco use, including expansion of tobacco-free campuses, applying current restrictions in Initial Military Training to Advanced Individual Training, and prohibiting the use of tobacco or ENDS products by all Soldiers while in uniform.” 3

The Military Supports and Adopts TOBACCO 21 Policy

In December 2019, federal legislation passed which raised the federal MLSA for tobacco products from 18 to 21 years. Tobacco 21 (T21) legislation, makes it unlawful for any retailer to sell tobacco products — including cigarettes, smokeless tobacco, hookah tobacco, cigars, pipe tobacco, electronic nicotine delivery systems including e-cigarettes and e-liquids to any person younger than 21 years of age, including military servicemembers.

In May 2020, after numerous installations having previously adopted T21 policies, the Department of Defense issued a declaration prohibiting the SALE of tobacco products to anyone under 21 on ANY DOD installation or facility. “The Office of the Under Secretary of Defense published policy making it unlawful for any retail outlet on DOD installations and facilities within the U.S. and its territories and possessions, and on U.S. naval vessels at a U.S. port, to sell tobacco products, including electronic nicotine delivery systems, to any person younger than 21 years of age.....”

The Military Supports T21 and Eliminating Tobacco Sales and Use on Military Installations - Timeline

The IOM report recommended the DOD to stop selling tobacco products in military stores, prohibit tobacco use on military installations, and “treat tobacco use in the same way as other health-related behaviors, such as alcohol abuse and poor physical fitness, which impair military readiness.”¹

As a result, the DOD established a timeline to eliminate ALL tobacco use on military installations to protect the health of military personnel, civilian employees, family members, and visitors.

In April 2010, the Commander of submarine forces established a policy banning smoking below decks and aboard all Navy submarines. The smoking ban took effect on Dec. 31, 2010.

In April 2012, then-Navy Secretary Ray Mabus announced that tobacco products would no longer be sold at a discount to Navy and Marine Corps personnel.

In March 2015, Lt. Gen. Thomas Travis, the Air Force Surgeon General, signed a revised Air Force Instruction, banning tobacco use, including the use of e-cigarettes, at all Air Force Service facilities, workplaces, and installation recreational facilities, including athletic fields, running tracks, basketball courts, golf courses, beaches, marinas and parks. The new AFI noted “tobacco use degrades Air Force readiness, health, and leads to preventable health care costs.”⁵

In April 2017, the Navy prohibited the use, storage and charging of e-cigarettes throughout its fleet after overheating batteries caused multiple explosions.

In 2015, Hawaii was the first state to institute a statewide Tobacco 21 law establishing the minimum legal sales age (MLSA) for the sale of tobacco products to 21. In a show of solidarity, the Navy, Marines, Army, and Airforce adopted the same Tobacco 21 policy on all military installations throughout Hawaii - prohibiting the sale and use of tobacco products to those individuals over the age of 21. ⁶

The Navy Region Hawaii Commander, Rear Admiral John Fuller, deflected the argument that service members who must carry weapons under the age of 21 should also be able to access tobacco products, stating *“I’ve heard this argument by some shipmates against cracking down on tobacco: ‘If someone is young enough to die for their country, they should be free to be allowed to smoke... But, turning that*

argument on its head: 'If someone is young enough to fight for their country, they should be free from addiction to a deadly drug?'" Fuller included that being tobacco-free "is one of the best things we can do to improve fitness and readiness." 6

In April 2019, Illinois passed its Tobacco 21 law, raising the state's MLSA for tobacco products from 18 to 21. The bill's passage came after years of effort from Mission: Readiness members, with United States Air Force Brigadier General (Ret.) Jay Sheedy providing testimony in support of the state T21 legislation. After passage in the General Assembly, bill sponsor Senator Julie Morrison cited the organization's support, saying "*I think this speaks volumes about what the military would, in fact, want for its members.*"

DOD HEALTH CARE COST DUE TO TOBACCO USE

Tobacco use costs the military about \$1.6 billion annually in lost productivity and healthcare expenses tied to respiratory problems, cardiovascular disease and slower healing, according to the Department of Defense data. That's expected to climb to \$19 billion during the next 10 years and result in 175,000 premature deaths.¹

A 2016 report on TRICARE's fiscal year 2014 expenditures estimated the direct and indirect costs (including lost workdays and administrative costs) associated with tobacco use and obesity among active duty personnel and military families were \$2.4 billion and \$3.3 billion, respectively.¹²

References

1. Institute of Medicine (US) Committee on Smoking Cessation in Military and Veteran Populations; Bondurant S, Wedge R, editors. Combating Tobacco Use in Military and Veteran Populations. Washington (DC): National Academies Press (US); 2009. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK215333/> doi: 10.17226/12632
2. United States Air Force Health Promotion; In Flight Wellness Weekly; Aug 2018, Vol1(11).
3. Marc A. Williams, Gunda Reddy, Michael J. Quinn & Amy Millikan Bell (2021): Toxicological assessment of electronic cigarette vaping: an emerging threat to force health, readiness and resilience in the U.S. Army, Drug and Chemical Toxicology, DOI: 10.1080/01480545.2021.1905657 (<https://doi.org/10.1080/01480545.2021.1905657>)
4. Army Public Health Center; Tobacco-Free Living and Vaping. (Jan 06, 2022) <https://phc.amedd.army.mil/topics/healthyliving/tfl/Pages/default.aspx>
5. Air Force further tightens rules on tobacco use BY JENNIFER H. SVAN APRIL 2, 2015 <https://www.stripes.com/theaters/europe/air-force-further-tightens-rules-on-tobacco-use-1.338016>
6. Hawaii bases imposing under-21 ban on tobacco sales, use. BY WYATT OLSON DECEMBER 31, 2015 <https://www.stripes.com/news/hawaii-bases-imposing-under-21-ban-on-tobacco-sales-use-1.386597>
7. MISSION: READINESS BLOG | JUNE 21, 2019 Retired military leaders in Illinois commend victories for children. Health legislation and early childhood education gains will boost military preparedness.
8. Klesges RC, Haddock CK, Chang CF, et al. The association of smoking and the cost of military training. Tob Control. 2001; 10:43–47. [PubMed: 11226360];
9. Benowitz NL. Nicotine Addiction. N Engl J Med. 2010; 362:2295–2303. [PubMed: 20554984]
10. . Stein RJ, Pyle SA, Haddock CK, et al. Reported stress and its relationship to tobacco use among United States Military personnel. Mil Med. 2008; 173:271–277. [PubMed: 18419030]
11. Community Preventive Services Task Force (CPSTF) 2017 Annual Report to Congress: Providing the Science to Support Military Readiness and Resilience.
12. Bray RM, et al. Understanding Military Workforce Productivity: Effects of Substance Abuse, Health, and Mental Health. DOI 10.1007 / 978-0-387-78303-1_1, Springer Science and Business Media New York 2014.