

**ALASKA STATE LEGISLATURE  
HOUSE COMMUNITY AND REGIONAL AFFAIRS  
STANDING COMMITTEE**

March 25, 2003  
8:05 a.m.

**MEMBERS PRESENT**

Representative Carl Morgan, Chair  
Representative Pete Kott  
Representative Ralph Samuels  
Representative Sharon Cissna  
Representative Albert Kookesh

**MEMBERS ABSENT**

Representative Kelly Wolf, Vice Chair  
Representative Tom Anderson

**COMMITTEE CALENDAR**

HOUSE BILL NO. 189

"An Act raising the age for purchase, sale, exchange, or possession of tobacco to age 21."

- HEARD AND HELD

HOUSE BILL NO. 190

"An Act relating to certain licenses for the sale, distribution, or manufacture of tobacco products; relating to tobacco taxes and sales and cigarette tax stamps; relating to provisions making certain cigarettes contraband and subject to seizure and forfeiture; relating to certain crimes, penalties, and interest concerning tobacco taxes and sales; relating to notification regarding a cigarette manufacturer's noncompliance with the tobacco product Master Settlement Agreement or related statutory provisions and to confiscation of the affected cigarettes; and providing for an effective date."

- BILL HEARING POSTPONED

**PREVIOUS ACTION**

BILL: HB 189

SHORT TITLE: PROHIBIT TOBACCO USE UNTIL AGE 21

SPONSOR(S): REPRESENTATIVE(S) CRAWFORD

Jrn-Date	Jrn-Page		Action
03/12/03	0512	(H)	READ THE FIRST TIME - REFERRALS
03/12/03	0512	(H)	CRA, L&C, JUD
03/12/03	0512	(H)	REFERRED TO CRA
03/25/03		(H)	CRA AT 8:00 AM CAPITOL 124

**WITNESS REGISTER**

REPRESENTATIVE HARRY CRAWFORD

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 189 as the sponsor.

STEPHANIE ZIDEK-CHANDLER, Manager

State of Alaska Tobacco Prevention and Control Unit

Division of Public Health

Department of Health & Social Services

Juneau, Alaska

POSITION STATEMENT: Testified that the unit is neutral on HB 189.

**ACTION NARRATIVE**

**TAPE 03-9, SIDE A**

Number 0001

**CHAIR CARL MORGAN** called the House Community and Regional Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Morgan, Kott, Samuels, and Cissna were present at the call to order. Representative Kookesh arrived as the meeting was in progress.

HB 189-PROHIBIT TOBACCO USE UNTIL AGE 21

CHAIR MORGAN announced that the only order of business would be HOUSE BILL NO. 189, "An Act raising the age for purchase, sale, exchange, or possession of tobacco to age 21."

Number 0073

REPRESENTATIVE HARRY CRAWFORD, Alaska State Legislature, spoke as the sponsor of HB 189. Representative Crawford indicated that with HB 189 members can positively impact the future and make a better world without any extra expense. Representative Crawford reviewed the statistics provided on a document

entitled, "Five Good Reasons to Raise the Legal Smoking Age to 21", which read as follows:

1. Approximately 90 percent of smokers begin smoking before the age of 21. Each day, about 6,000 adolescents try a cigarette for the first time; about 3,000 become daily smokers.

2. But smoking addiction does not develop among adults. Among those over the age of 21 who take up smoking for the first time, more than 90 percent soon drop it completely.

3. Of an estimated 16.6 million smokers in the U.S. (1995 figures), 5.3 million will die prematurely from smoking-related disease, resulting in an estimated \$200 billion in health care costs (about \$12,000 per smoker) and about 64 million years of potential life lost (12 to 21 years per smoking-related deaths).

4. Cigarette smoking is considered to be the single most preventable contributor to chronic diseases.

5. Cigarette smoking during childhood and adolescence produce significant health problems among young people. A starting age of smoking of earlier than 21 more than doubles the risk of developing future smoking-related diseases. It is critical that access of minors to tobacco products be reduced, and raising the legal smoking age to 21 would result in significant future savings in health costs.

REPRESENTATIVE CRAWFORD remarked that this is something that [the legislature] should and could do. Therefore, he said he would appreciate this committee reporting HB 189 out of committee. He also noted that he would appreciate everyone signing on as a co-sponsor.

Number 0334

REPRESENTATIVE KOTT asked how many other states have similar provisions in which the legal smoking age was raised to 21.

REPRESENTATIVE CRAWFORD answered that several have tried to increase the age, although no state has actually accomplished it. For example, California considered doing so but decided not

to because it would lose a considerable amount of the tobacco tax.

REPRESENTATIVE KOTT inquired as to whether there is a large influx of people smoking between age 19-21.

REPRESENTATIVE CRAWFORD pointed out that under Alaska's law a person is of age on their 19th birthday. There's no breakdown on [smoking] for the ages of 19-21. However, 90 percent of those who start smoking do so before the age of 21. Therefore, if the desire is to not have people take up smoking as a lifelong habit, the best solution is to delay the legal smoking age to 21.

Number 0586

REPRESENTATIVE CISSNA informed the committee that she had a former husband and a late husband who both died due to complications from cigarette smoke. She then turned to the perspective of a sociologist and noted that there are different markers for adulthood. In the U.S., some of the markers of adulthood include the ability to obtain a drivers' license, to be drafted and to be able to legally vote, drink, and smoke. However, those markers are at varying ages. She noted that some psychologists say that adolescence is being prolonged as adulthood skills and responsibilities are being taken on later in life.

REPRESENTATIVE CRAWFORD pointed out that no matter the age of a voter, the decision to vote won't kill an individual later in life. Representative Crawford related a conversation he had with his nephew who entered the military at age 18. His nephew said people should have the right to smoke at age 18, especially since that individual has the right to die for his/her country. To that, Representative Crawford posed the notion of raising the age to enter the military to 21. His nephew responded that such couldn't be done because at age 21 a lot of individuals wouldn't join the military because they would realize their mortality. The aforementioned illustrates why the smoking age should be raised to 21, he said. By the time an individual is 21, he/she makes better decisions.

Number 0892

CHAIR MORGAN remarked that the timing of this legislation, during a time of war, may not be the greatest. He turned to the issue of incarceration and the matter of whether young people

should be tried as a juvenile or an adult when the young person has committed a serious crime. Chair Morgan related his personal experience with smoking.

REPRESENTATIVE CRAWFORD said that he would like to provide parents with another tool to keep their children from starting to smoke. He related his belief that being able to tell children that smoking is illegal [until age 21] is another tool for parents and makes it more difficult for young people to obtain cigarettes. With regard to trying children as adults, Representative Crawford pointed out that such is only done when a serious offense such as murder has been committed. He said he believes the aforementioned is a completely different debate than the legal drinking and smoking age.

Number 1059

REPRESENTATIVE SAMUELS highlighted that there is no fiscal note from the Department of Revenue or the Department of Public Safety. In essence, HB 189 creates a new crime for those age 18-20 and based on the assumption that there would be some violations, investigations, and penalties, he assumed that there would be some cost. Therefore, [the zero fiscal note from] the Department of Law didn't make sense to him. He recalled the loss of tax revenue California faced and asked if Alaska would be in the same situation.

REPRESENTATIVE CRAWFORD pointed out that the police and the courts are supposed to be enforcing the current smoking age of 19 now. Therefore, moving the age to 21 won't be an additional cost, he said. In fact, the legislation will make it easier for the police to identify underage smokers. With regard to loss revenue, Representative Crawford acknowledged that some revenue would be lost. However, he said he felt that it should be revenue that the state should be happy to lose.

REPRESENTATIVE SAMUELS maintained his belief that there would be some cost incurred in the criminal justice system because a new class of 20-year-olds that can't do something that they once could. Philosophically, Representative Samuels agreed that individuals make better decisions at age 21 versus 18, however he stressed that individuals make better decisions at age 30 versus 21. Representative Samuels said that he wasn't yet convinced that HB 189 would stop a 14-year-old from smoking.

REPRESENTATIVE CRAWFORD indicated that stopping a 19-year-old or 20-year-old from smoking would be just as good as stopping a 14-

year-old. Representative Crawford highlighted that there is no redeeming social good derived from smoking whereas fighting for the country has a good redeeming social value. Representative Crawford stated that anything that can be done to lessen the aforementioned burden on society should be done.

Number 1335

CHAIR MORGAN asked if there are any estimates as to the savings in health care costs if this legislation were to pass.

REPRESENTATIVE CRAWFORD answered that many less people would try smoking if the decision to start smoking was delayed until age 21. He reiterated that only 10 percent of those who began smoking after age 21 actually stay with it. He recognized that there is a problem with enforcement and with children obtaining cigarettes to smoke and raising the legal smoking age to 21 provides a better tool for enforcement, he said.

REPRESENTATIVE KOTT, in response to Chair Morgan's question, said that "we" don't know [the savings in health care costs were this legislation to pass] because there are no studies that specify the number of 19-year-olds who begin smoking at 19-21. Therefore, Representative Kott viewed the legislation as problematic because there is no nexus to establish whether the age should be increased to 21.

Number 1528

REPRESENTATIVE KOOKESH remarked that if he could see a redeeming quality in smoking he could understand the debate, however there isn't one. Everything that can be done to keep young people from smoking until the age of 21 should be. He pointed out that the existing drinking age is 21, and therefore he questioned what would be wrong with the same for smoking. Furthermore, the war shouldn't be used as an argument against raising the smoking age. This legislation is another tool and it should be adopted, he said. With regard to enforcement, he echoed earlier testimony that it should be a lot easier to identify whether an individual is under 21 versus under 18. Representative Kookesh stressed that this decision should be made while keeping in mind whether there is a redeeming quality of smoking. Moreover, he indicated the need to keep in mind what's in the best interest of the state and the children of the state.

CHAIR MORGAN asked if 13 and 14-year-olds are being stopped from smoking now. He emphasized that he wasn't sure that passing a law would alleviate a social problem.

REPRESENTATIVE CRAWFORD said that the state needs to do a better job with enforcement and this legislation would provide another enforcement tool. He explained that currently only 18-year-olds are allowed to buy cigarettes in sting operations; there have been problems finding enough 18-year-olds to perform these sting operations. Raising the age to 21 would allow the use of people 18-20 years of age in these sting operations. Representative Crawford said that he would like to see more efforts to stop young people from smoking. He pointed out that policy calls have been made with regard to alcohol and he said he believes a policy call should be made with tobacco as well. Representative Crawford characterized smoking as a scourge on society and anything that can be done to lessen that should be done.

Number 1800

REPRESENTATIVE CISSNA pointed out that Alaska has a strong libertarian, freedom-loving streak. She agreed that there isn't anything redeeming about cigarette smoking. Although legislation is the top as far as making people do things, it hasn't been successful in changing social behavior. For instance, Alaska leads the nation in alcoholism. Representative Cissna related her belief that this is a matter of whether one believes social issues should be changed through laws or education. Although education is tougher, it's more successful, she said.

REPRESENTATIVE CRAWFORD recalled his childhood when there were no prohibitions with regard to obtaining cigarettes. Over the years the percentage of smokers in the U.S. has decreased and he attributed that to raising the age at which it's legal to smoke. Therefore, he said he believes that trend should be continued in order to make it more difficult for young people to obtain cigarettes and start smoking. This is a policy call that [the legislature] should make. The drinking age was raised for the same reason [that the smoking age should be raised]; people make better decisions when they're older. If one can prevent tobacco products from getting in the hands of the young, then some people won't smoke, and therefore less will die of smoking-related diseases in the future. This is a chance to do good in the world and do so without an expense, he emphasized.

Number 2013

CHAIR MORGAN related his belief that education is the [best] prevention. If any legislation is going to be passed [in this area], it should be for more education. Chair Morgan indicated that he has a problem with HB 189, although he was clear that he doesn't support smoking.

REPRESENTATIVE KOOKESH said that something has to be done. Everyone agrees that there is a problem and doing nothing sends the wrong message. If something else was on the table, such as an education program, he said he would be glad to review it. However, there is nothing else on the table, he emphasized. Although this legislation isn't the [ultimate] solution, it's a step that should be taken.

REPRESENTATIVE KOTT stressed that his problem is that he doesn't know if there is a problem for those between the age of 19 and 21. He inquired as to how many start smoking at the age of 19. "There's no statistical data out there that suggests there's anybody; so what are we trying to cure," he asked. Representative Kott said that the largest age group is 13-18 as suggested by all the young people smoking outside the high schools. He agreed that nothing else is on the table and emphasized that there should be an educational program that starts at the home through the final grade in school. Furthermore, many parents aren't parenting in the manner they should. Moreover, there is evidence that when the two heavy smokers in the family are mom and dad, the child would be more impacted health wise than if she/he had picked up a cigarette casually. There are many things, in regard to behavior, that are out of the control [of the legislature and the laws]. Representative Kott agreed that there is no redeeming value with smoking just as there is no redeeming value with a 16-year-old behind the wheel who tragically crashes and ends his/her life as well as the lives of others.

Number 2298

REPRESENTATIVE CISSNA posed the question of when does adulthood begin. As mentioned earlier, there are different ages marking adulthood for different things, which she characterized as "crazy." She suggested that the best way to address this is to be consistent [in the age at which adulthood begins].

REPRESENTATIVE KOOKESH related his belief that raising the legal smoking age to 21 is appropriate because it will be rare that there is a 21-year-old in high school. Therefore, no students

age 18 and 19 would [legally be able to] bring cigarettes to the high school.

REPRESENTATIVE CRAWFORD announced his support of putting more money into education against smoking. However, that's another bill and HB 189 is on the table and has redeeming social value and it won't cost anything. Furthermore, raising the legal smoking age to 21 will result in less people smoking in the future. Conversely, without the passage of HB 189 there will be more smokers.

REPRESENTATIVE SAMUELS inquired as to the effort to bust underage smokers at high schools across the state.

Number 2550

STEPHANIE ZIDEK-CHANDLER, Manager, State of Alaska Tobacco Prevention and Control Unit, Division of Public Health, Department of Health & Social Services, answered that the information from the police contracts relate that it's insignificant and isn't considered a priority. In further response to Representative Samuels, she specified that the unit has three full-time and two part-time investigators as well as a host of confidential informants. Furthermore, in various communities throughout the state the community's police force contract to provide inspections and investigations in those communities.

REPRESENTATIVE SAMUELS asked if Ms. Zidek-Chandler had any statistical information with regard to where the underage smokers obtained cigarettes.

MS. ZIDEK-CHANDLER answered that most [underage smokers] obtain tobacco products from family and friends. A small amount of young people actually purchase tobacco products in stores. In response to Representative Kookesh, she offered to provide the committee with information from the Centers for Disease Control and Prevention (CDC).

REPRESENTATIVE CISSNA asked if the unit has experienced any budget cuts in recent years.

MS. ZIDEK-CHANDLER replied no, but noted that the 20 percent that was allocated for tobacco prevention and control was just realized this year. Therefore, she believes that through future years of funding one will see a significant difference in youth and adult tobacco use. This funding has allowed the unit to do

far more with media campaigns, statewide community programs, and cultural changes. The aforementioned is what the unit has found to be most effective.

REPRESENTATIVE CISSNA related her belief that the unit needs more people not less. Representative Cissna asked if the unit has done measures of some of the programs that it has put in place.

MS. ZIDEK-CHANDLER replied yes and offered to provide copies of those. She related that the Hellenthal studies have revealed that a significant decrease in the amount of families that allow smoking in the home. A lot of change in social norms is being found.

Number 2797

REPRESENTATIVE SAMUELS surmised that if most of the young people are obtaining cigarettes from their family, then raising the age wouldn't seem to do any good.

MS. ZIDEK-CHANDLER remarked, "Evidence does not support that that would necessarily impact a large number of people." Therefore, [the unit] is neutral on the legislation.

REPRESENTATIVE KOOKESH inquired as to why the unit would be neutral on HB 189 when the unit advocates for people to not smoke.

MS. ZIDEK-CHANDLER explained that [the unit] likes to maintain its focus in arenas that are known to be effective. Although there is no financial cost to the legislation, Ms. Zidek-Chandler suggested that there may be a social cost in that in a libertarian society more laws and regulations may result in increased dissatisfaction with the program and result in negative input.

CHAIR MORGAN inquired as to what would be done to those parents who purchase cigarettes for their underage children.

REPRESENTATIVE CRAWFORD related that it would probably be a rare occasion for a parent to purchase cigarettes for their underage children. He said he understood the reference to family members to mean the older siblings. Representative Crawford inquired as to how Ms. Zidek-Chandler could make the earlier statement regarding a possible backlash and inquired as to the statistics that would support it.

MS. ZIDEK-CHANDLER said she didn't have statistics and rather than address that question, Ms. Zidek-Chandler reiterated the need to maintain focus in arenas that are known to be effective.

REPRESENTATIVE CRAWFORD asked if Ms. Zidek-Chandler believes that raising the age to 19 would reduce the number of young people who start smoking and that raising the age to 21 would reduce that even more. Or, through the backlash, would raising the legal smoking age to 21 cause more young people to start smoking.

MS. ZIDEK-CHANDLER acknowledged that everyone agrees that tobacco is bad for one's health and that Alaska is one of three states with 19 as the legal smoking age. Furthermore, there are limited resources and thus the desire is to keep the focus on what works.

**TAPE 03-9, SIDE B**

MS. ZIDEK-CHANDLER explained that the backlash statement was based on meetings during which there have been discussions related to laws and clean indoor air ordinances. There are some vocal Alaskans who are very much in opposition to more laws and restrictions on business, et cetera.

Number 2948

REPRESENTATIVE KOOKESH inquired as to whether the concern should be how businesses react versus the best interest of Alaska's youth.

MS. ZIDEK-CHANDLER reiterated that the focus should be on areas in which it is known there is a serious problem and much work remains. In response to Representative Kookesh, Ms. Zidek-Chandler said that the focus is always what's best for Alaska's youth.

REPRESENTATIVE KOTT agreed with Ms. Zidek-Chandler's earlier point that there have been some dramatic systemic changes in the last couple of years and those programs are just beginning to kick in. Therefore, raising the age may actually confuse the point with regard to what is really working.

MS. ZIDEK-CHANDLER, in response to Representative Kott, recalled that Alaska's statutes raised the legal smoking age to 19 perhaps three years ago.

REPRESENTATIVE KOTT asked if there is sufficient data to suggest that raising the legal smoking age to 19 has reduced underage smoking or even discontinued underage smoking after the individual reaches the age of 21.

MS. ZIDEK-CHANDLER responded that she hasn't seen the statistics.

Number 2819

REPRESENTATIVE KOTT asked if a parent can legally provide tobacco products to their children under the age of 19.

MS. ZIDEK-CHANDLER answered that her understanding was no.

REPRESENTATIVE KOTT pointed out then that there is a disparity when comparing tobacco products and alcohol because parents can provide alcohol, to be consumed in the home, to their underage children. Representative Kott noted his agreement with Representative Cissna that perhaps there should be one age at which an individual is considered an adult.

Number 2755

REPRESENTATIVE CRAWFORD wrapped up by reminding the committee that statistics show that the number of people starting to smoke now is less than a few years ago. He said he believes part of the reason for that is because the legal age was raised to 19, and therefore raising the legal smoking age to 21 would do more good and result in less smokers. Representative Crawford encouraged the committee to join him in his goal to decrease the number of smokers in Alaska.

CHAIR MORGAN announced that HB 189 would be held over.

REPRESENTATIVE KOTT applauded the sponsor's well-intentioned efforts, although he felt that it would be premature.

#### **ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:00 a.m.