



TOBACCO 21 ORDINANCE FREQUENTLY ASKED QUESTIONS (FAQs)

Updated August 19, 2019

WHAT IS THE NEW TOBACCO 21 LAW?

The ordinance raises the legal purchasing age of tobacco products from 19 to 21 years of age within the Municipality of Anchorage.

WHY TOBACCO 21?

Raising the purchasing and consumption age of tobacco to 21, known as "Tobacco 21," is an evidenced-based policy that decreases youth smoking initiation while leveling extremely minimal effects on the tobacco industry and decreasing community healthcare expenditures. Over 485 local jurisdictions in the United States have raised the legal tobacco purchasing age from 18 to 21.

- Tobacco use is the number one cause of preventable death in the United States, at approximately 480,000 per year;
- Every year in Alaska, healthcare costs directly caused by smoking are about \$438 million, and more people die from direct tobacco use than from suicide, motor vehicle crashes, liver disease, homicide, and HIV/AIDS combined;
- National data shows that 95% of adult smokers begin smoking before they turn 21 years old, and that the ages of 18 to 21 are a critical period when many smokers move from experimental smoking to daily use;
- Most of the tobacco acquired by youth under 18 comes from social sources, and Tobacco 21 policies have resulted in a decrease of high school aged tobacco use by up to 50%;
- Tobacco 21 supports our young people by reducing access and delaying the decision to use tobacco, alleviating the detrimental effects from tobacco in the Municipality of Anchorage.

WHEN DOES THE LAW GO INTO EFFECT?

The ordinance was passed by the Municipal Assembly on July 23, 2019 and will go into effect August 20, 2019.

WHAT PRODUCTS ARE AFFECTED?

Tobacco products including:

- Any product containing, made of, or derived from tobacco or nicotine including but not limited to a cigarette, a cigar, smoking tobacco, cheroot, stogie, perique, clove, kretek, chewing tobacco, iqmik, snuff, or snus;

- Electronic smoking devices and substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
- Components of the above, whether or not they contain tobacco, such as filters, rolling papers, blunt or hemp wraps, and pipes.
- Tobacco products do not include marijuana or marijuana products as defined by the FDA.

ARE THERE ANY EXEMPTIONS TO THE LAW?

No. There are no exemptions to the ordinance. However, the law does not apply to certain products authorized for sale by the U.S. Food and Drug Administration. For example: nicotine gum used for tobacco use cessation and prescribed by a health care professional.

IS THERE A GRANDFATHER CLAUSE INCLUDED IN THE LAW?

Not for sales to underage persons; this law applies to all persons under the age of 21. There is a grandfather clause for employees at retail adults-only tobacco stores aged 19 and 20, see the question about employees below.

WHAT IS THE PENALTY FOR PURCHASE, USE, OR POSSESSION BY SOMEONE UNDER 21?

There is no penalty for a minor purchasing, using, or possessing tobacco products under this ordinance. The Code section that prohibited possession of tobacco products by a minor was repealed by this ordinance. There are penalties for the tobacco retailer and other persons that sell or give a tobacco product to an underage person.

WHAT ARE THE PENALTIES FOR TOBACCO 21 VIOLATIONS?

Penalties for retailers and others follow:

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| • 14.70.020A or B | Restrictions on manner of selling tobacco products | \$500 |
| • 14.70.020C | Failure to post warning signs (tobacco products) | \$50 |
| • 14.70.030A | Selling/giving to persons under 21 (retailer) | \$500, \$750, \$1,000 |
| • 14.70.030A | Selling/giving to persons under 21 (other persons) | \$300 |
| • 14.70.030B | Failure to verify age before selling tobacco products | \$50 |
| • 14.70.035 | Failure to supervise tobacco products vending machines | \$500 |

WHO ENFORCES THE NEW LAW?

State enforcement agencies are authorized to conduct random, unannounced compliance checks at retail sites. Local law enforcement is authorized to enforce Municipality of Anchorage tobacco 21 laws.

- State of Alaska Tobacco Enforcement Division, PO Box 110620 Juneau, AK 99811
State of Alaska Tobacco Youth Education & Enforcement Program:
<http://dhss.alaska.gov/dbh/Pages/Prevention/programs/tobacco/default.aspx>.
- Anchorage Police Department non-emergency: 311.

WILL NEW SIGNAGE BE REQUIRED FOR RETAILERS?

Yes. All retailers of tobacco and nicotine products are required to post one or more signs in conspicuous places near the point of sale with a statement compliant with state law, or substantially similar to the statement: “WE MAY NOT SELL TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES, TO ANY PERSON UNDER THE AGE OF 21.”

Additionally, retail adults-only tobacco stores are required to post one or more conspicuous warning signs stating either:

- “NO PERSON UNDER 21 YEARS OF AGE MAY ENTER UNLESS ACCOMPANIED BY A PARENT, LEGAL GUARDIAN, OR SPOUSE 21 OR OLDER.”; or
- If the establishment chooses to prohibit entry to all persons under the age of 21 years: “NO PERSON UNDER 21 YEARS OF AGE MAY ENTER THIS ESTABLISHMENT.”

The signs above shall be at least 8.5 inches by 11 inches, with lettering at least one-half inch in height. Retailers can print or procure the signs themselves so long as they are in compliance with the requirements above. Signs will be made available for download at www.muni.org/tobacco21.

WILL EMPLOYEES UNDER THE AGE OF 21 BE ABLE TO SELL TOBACCO PRODUCTS? **YES! SEE DETAILS BELOW.**

- **Tobacco retailers (other than adults-only tobacco stores)** – the Anchorage Municipal Code does not prohibit an underage person from handling tobacco products in the course of their employment. However, since state law prohibits employees under the age of 19 from selling tobacco products, employees must be at least 19 years of age to sell.* Current employees age 19 or older may remain employed and new employees age 19 or older may be hired.

***State law prohibition** – Although the Anchorage Municipal Code would allow it, state law AS 11.76.105 prohibits knowing possession of tobacco, electronic smoking products, and products containing nicotine by a person under the age of 19 and it does not have an exception for employees of a retailer.

- **Retail adults-only tobacco stores (stores that primarily sell tobacco products)** – 19 or 20 year old employees employed on or before August 20, 2019 may remain employed and enter the store only for purposes of that employment. Any new employees hired after August 20, 2019 must not be under the age of 21.

WHERE DO I GO TO GET A COPY OF THE ORDINANCE, HAVE QUESTIONS OR NEED ADDITIONAL INFORMATION?

Please visit the Anchorage Health Department website at www.muni.org/tobacco21 or call Environmental Health Services at 907.343.4200.

For more information about Tobacco 21 across the nation, visit the Preventing Tobacco Addiction Foundation website at www.tobacco21.org.