Federal and State Law

In 2019, US Congress raised the legal minimum sales age of commercial tobacco products from 18 to 21 nationwide. Shortly after, the state of Minnesota passed their own Tobacco 21 law, which:

- Increased the minimum legal sales age from 18 to 21 ($609.685; §609.6855).
- Removed penalties for underage possession, use, and purchase of commercial tobacco products.
- Increased fines for retailers: $300 for a first violation, $600 for second violation, and $1,000 for a third violation ($461.12).

State law continues to require licensing authorities to complete compliance checks ($461.12).1

Underage Use and Possession

- State law no longer includes penalties for people under 21 who possess or attempt to purchase. The penalties are focused on retailers.
- Through Minnesota’s Clean Indoor Air Act, any individual who smokes or vapes may still be subject to a ticket if found smoking or vaping in an indoor area defined by this law.
- Schools should follow their commercial tobacco-free policy when addressing underage commercial tobacco use in schools and on school property.2
- There are several effective programs available that offer opportunities to support students (see page 2).

Shifting the Focus

- Penalties on underage possession, use and purchase have not been proven to reduce tobacco use.
- Research shows us that punitive measures against young people can result in unintentional consequences.
- CDC recommends education, counseling, and support to reduce youth use.
- Youth penalties divert focus from addressing tobacco industry targeting and irresponsible retailers.
- Leading health organizations support focusing penalties on irresponsible retailers, rather than penalizing youth.

Definition of Tobacco Products

Commercial tobacco products include cigarettes, cigars, hookah, smokeless or spit tobacco, e-liquids, and vape devices.3

Commercial tobacco products do not include the sacred and traditional use of tobacco by indigenous people.

Sources:
2. Full Definitions in MN Statute §609.685: https://www.revisor.mn.gov/statutes/cite/609.685#:~:text=(a)%20Any%20person%2020%21%20years,misdemeanor%20or%20the%20first%20violation.
3. Minnesota Pollution Control Agency: www.pca.state.mn.us/sites/default/files/w-hw4-65.pdf
Compliance Checks

- Tobacco licensing authorities (cities or counties) are required to annually complete one compliance check on each tobacco retailer they license ($461.12).
- Compliance checks must be done using individuals 17-20 years old. Parental consent is required before working with individuals under 18 years old.
- Conducting compliance checks is another way to ensure that underage individuals do not have access to tobacco products without the use of fines or other punitive measures.

List of programs available to the community as an alternative to monetary fines or suspension:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Online/In-Person</th>
<th>Time Frame</th>
<th>Audience</th>
<th>Cost</th>
<th>Facilitator</th>
<th>Website / Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>My Life, My Quit</td>
<td>Quit coaching</td>
<td>On-going</td>
<td>Youth aged 13-18 who want to quit</td>
<td>Free</td>
<td>Self-ied</td>
<td>Text ‘Start My Quit’ to 855-661-9689 or <a href="http://www.my">www.my</a> lifemyquit.com</td>
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<tr>
<td></td>
<td>via text, chat or</td>
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<td>call</td>
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<tr>
<td>In Depth – American Lung Association</td>
<td>Webinars, handouts, and activities</td>
<td>Four 50-minute lessons</td>
<td>Middle and HS</td>
<td>Free</td>
<td>Trained adult</td>
<td><a href="http://www.lung.org/INDEPTH">www.lung.org/INDEPTH</a></td>
</tr>
<tr>
<td>Don’t Blow It – Essentia Health Toolkit</td>
<td>Online video (1), pre- and post-tests, group discussion option</td>
<td>20-30 min., 35 if you do the group discussion questions</td>
<td>HS, education and prevention</td>
<td>Free</td>
<td>Educators</td>
<td><a href="http://www.essentiahealth.org/services/tobacco-cession/dont-blow-it-anti-vaping-campaign/">www.essentiahealth.org/services/tobacco-cession/dont-blow-it-anti-vaping-campaign/</a></td>
</tr>
<tr>
<td>The Real Cost of Vaping – FDA Scholastic Toolkit</td>
<td>Online readings (2), videos (5), interactive activity (1), group setting activities (3), 1 family resource page</td>
<td>45 min., more if you include the group activities</td>
<td>Grades 6-8 &amp; 9-12, education and prevention</td>
<td>Free</td>
<td>Educators</td>
<td><a href="http://www.scholastic.com/youthvapingrisks/index.html">www.scholastic.com/youthvapingrisks/index.html</a></td>
</tr>
<tr>
<td>Catch My Breath</td>
<td>In person – PPT, discussions and activities</td>
<td>Four 40-min. lessons</td>
<td>Grades 5-6, 7-8 &amp; HS, education and prevention</td>
<td>Free</td>
<td>Educators – need trained facilitator (free for the “basic” training)</td>
<td><a href="http://www.etogo.catch.org/bundles/23725">www.etogo.catch.org/bundles/23725</a></td>
</tr>
<tr>
<td>Vape, Educate</td>
<td>Online modules and mini quizzes in-between, final exam at the end</td>
<td>5 hours total</td>
<td>Middle and HS students</td>
<td>Different versions for parents, educators, and community orgs</td>
<td>Free</td>
<td>Educators</td>
</tr>
<tr>
<td>Taking Down Tobacco – Campaign for Tobacco Free Kids</td>
<td>Online webinars and videos</td>
<td>Approx. 90 min.</td>
<td>Middle and HS students</td>
<td>Free</td>
<td>Self-ied</td>
<td><a href="http://www.takingdowntobacco.co.org/">www.takingdowntobacco.co.org/</a></td>
</tr>
</tbody>
</table>

Wonder where you can dispose of student vapes? Check out the Minnesota Pollution Control Agency on the first page.³

What Communities Can Do:

- Cities and counties have their own ordinances related to the sale of tobacco products. Check your local tobacco ordinance for specifics or contact any organization listed below for more information.
- Conduct compliance checks at least once a year.
- Update tobacco free grounds policies at school locations.
- Enroll youth in free programs detailed on the right.
- Contact public health or local drug prevention groups to get more involved.