

## Legislation Details (With Text)

<b>File #:</b>	19-236	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	3/20/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	4/8/2019	<b>Final action:</b>	
<b>Title:</b>	Discuss and consider approval of a resolution in support of proposed legislation that increases the legal age from 18 to 21 to purchase, accept, possess, or consume cigarettes, e-cigarettes, or tobacco products; specifically supporting Senate Bill 21 and House Bill 749 and requesting that state legislators support these bills by voting in favor of this proposed legislation.		

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. S.B. 21 (2019), 2. H.B. 749 (2019), 3. Media Release- Texas 21 - Raise the Tobacco Age, 4. Resolution of Support SB 21 HB 749

Date	Ver.	Action By	Action	Result
4/8/2019	1	City Council		

Presenter/Contact  
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**SUBJECT:**

Discuss and consider approval of a resolution in support of proposed legislation that increases the legal age from 18 to 21 to purchase, accept, possess, or consume cigarettes, e-cigarettes, or tobacco products; specifically supporting Senate Bill 21 and House Bill 749 and requesting that state legislators support these bills by voting in favor of this proposed legislation.

**BACKGROUND / RATIONALE:**

Texas 21 Coalition is a coalition of more than 75 public health groups that supports raising the minimum legal age for purchasing, accepting, possessing, or consuming cigarettes, e-cigarettes, and tobacco products from 18 to 21. On March 5<sup>th</sup>, the Texas 21 Coalition has announced its support for two pending bills during the 86<sup>th</sup> Legislative Session regarding increasing the legal age an individual to 21- Senate Bill 21 and House Bill 749. Passing this change to the law will will reduce tobacco use by youth and is a sound health policy that has been adopted by seven states and over 430 localities, including San Antonio, Texas. The City of San Antonio adopted its ordinance in January 2018, with an effective date of October 1, 2018. This allowed for a nine-month educational campaign period.

In December 2018, the U.S. Surgeon General, Vice Admiral Jerome M. Adams issued an advisory stressing the importance of protecting our youth from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration National Youth Tobacco Survey, the percentage of high school age children reporting past 30-day use of e-cigarettes rose by more than 75% between 2017 and 2018.

In addition to changing the legal age from 18 to 21, HB 749 and SB 21 would prohibit the distribution to and acceptance by a person under 21 (instead of 18) of a coupon or other item a recipient may use to receive, either in person or by courier deliver, a discounted cigarette, e-cigarette, or tobacco product.

These bills would also eliminate the first of two exceptions to the general prohibition. Currently, state law allows minors to possess cigarettes, e-cigarettes, or tobacco products in the following instances:

1. A minor who possesses in the presence of an adult parent, legal guardian, or spouse; or
2. An employer of the minor if possession or receipt of the cigarette- e-cigarette, or tobacco product is required in the performance of the employee's duties.

Finally, current state law requires that before a person can sell or provide cigarettes, e-cigarettes, and tobacco products, that person must first check the identification of any person that is younger than 27. Both bills propose to increase that age from 27 to 30.

The City of New Braunfels supports these bills in order to protect the health and safety of our youth. A copy of this resolution, if adopted, will be presented to the Governor of Texas, the leadership of the 86th Texas Legislature, and elected legislators that represent the City of New Braunfels interests in the House and the Senate.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

None.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

N/A