



Tobacco 21: The Roles of Local Law Enforcement

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.⁵
- 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.²

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



Sources:

1. Tobacco 21 and Other Statutory Changes:

www.publichealthlawcenter.org/sites/default/files/resources/MN-Tobacco-21-FAQ.pdf

2. Full Definitions in MN Statute §609.685:

[https://www.revisor.mn.gov/statutes/cite/609.685#:~:text=\(a\)%20Any%20person%2021%20years,misdemeanor%20for%20the%20first%20violation.](https://www.revisor.mn.gov/statutes/cite/609.685#:~:text=(a)%20Any%20person%2021%20years,misdemeanor%20for%20the%20first%20violation.)

3. Minnesota Pollution Control Agency:

www.pca.state.mn.us/sites/default/files/w-hw4-65.pdf

4. K-12 School Model Policy

<https://www.publichealthlawcenter.org/sites/default/files/resources/Commercial-Tobacco-Free-K-12-School-Model-Policy-Q-and-A-2019.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.

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.

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

Program Name	Online/In-Person	Time Frame	Audience	Cost	Facilitator	Website / Contact
 My Life, My Quit	Quit coaching via text, chat or call	On-going	Youth aged 13-18 who want to quit	Free	Self-led	Text 'Start My Quit' to 855-891-9989 or www.mylifemyquit.com
 InDepth – American Lung Association	Webinars, handouts, and activities	Four 50-minute lessons	Middle and HS	Free	Trained adult	www.lung.org/INDEPTH
 Don't Blow It – Essentia Health Toolkit	Online video (1), pre- and post-tests, group discussion option	20-30 min., 35 if you do the group discussion questions	HS, education and prevention	Free	Educators	www.essentiahealth.org/services/tobacco-cessation/dont-blow-it-anti-vaping-campaign/
 The Real Cost of Vaping – FDA/ Scholastic Toolkit	Online readings (2), videos (5), interactive activity (1), group setting activities (3). 1 family resource page	45 min., more if you include the group activities	Grades 6-8 & 9-12, education and prevention	Free	Educators	www.scholastic.com/youthvapingrisks/index.html
 Catch My Breath	In person – PPT, discussions and activities	Four 40-min. lessons	Grades 5-6, 7-8 & HS, education and prevention	Free <i>6th grade virtual option - \$25</i>	Educators – need trained facilitator (free for the "basic" training)	www.letsgo.catch.org/bundles/23725
 Vape Educate	Online modules and mini quizzes in-between, final exam at the end <i>Includes vaping and marijuana education</i>	5 hours total	Middle and HS students	Starting at \$20 for each version	Different versions for parents, educators, and community orgs	https://vapeeducate.com/
 Taking Down Tobacco – Campaign for Tobacco Free Kids	Online webinars and videos	Approx. 90 min.	Middle and HS students	Free	Self-led	www.takingdowntobacco.org/

