



February 9, 2017

Lane County Commissioners,

My name is Jessica Yamauchi; I am the Executive Director at the Hawaii Public Health Institute which houses the Coalition for a Tobacco-Free Hawaii, and oversaw the process of enacting a Minimum Legal Sales Age of 21 from Hawaii County to the state-wide law passed in 2015. I am reaching out to you as a public health professional and an advocate for sound legislation that provides communities with the protection they need from dangerous products like tobacco.

I understand that Oregon is considering a tobacco 21 law in Lane County, and applaud you for your leadership and dedication to tobacco control and public health. Tobacco 21 helps to ensure that we keep tobacco out of high schools and out of the hands of teenagers, one of the most vulnerable populations affected by tobacco products.

Given your support for a strong tobacco 21 law, and at the request of my colleagues in Oregon, I wanted to share with you our experience with adding a grandfathering clause to the tobacco 21 law. Originally, Hawaii County (the Big Island) was the first County in Hawaii to enact a tobacco 21 law (and the fourth municipality in the Country). This law included a grandfathering clause, which at the time, we recommended. The grandfathering clause allowed any individual born after the date of enactment to continue to buy tobacco products. During the education and implementation period we quickly learned that the grandfathering clause created a lot of confusion for retailers. Training store clerks became difficult for store owners and managers.

The City and County of Honolulu was the next to work on the tobacco 21 law. We received opposition from the Hawaii Food Industry Association and retailers stating that the grandfathering clause was difficult to implement and they worried that they would fail tobacco sting operations. Unfortunately, we were unable to pass the law in the City and County of Honolulu, but the state took up the issue a few months later and agreed not to include a grandfathering clause moving forward. During the implementation phase of the statewide tobacco 21 law we quickly learned from store clerks and managers that they preferred having one age to check for both tobacco and alcohol and they were much less likely to make a mistake.

The grandfathering clause delays full implementation of the law for three years and makes compliance with the law difficult. Enacting sound public health policy is a process of social



change. A hard stance must be taken in order to fully support tobacco 21, otherwise, the law will be broken by confused yet well-intentioned retailers and held in lower regard in the public's eyes. We did allow for an education and implementation period of six months (our law passed in June 2015 but did not go into effect until January 1, 2016). The six month implementation period allowed time to create appropriate signage for all retailers, educate merchants and retailers and the public.

Thank you for considering a tobacco 21 ordinance and I hope you will consider passing the policy without a grandfathering clause. It will strengthen the policy through greater retailer compliance and improved positive public perception. I want to thank you again for your leadership and dedication to public health. Work like ours helps to ensure safe and prosperous futures for our nation's youth.

Sincerely,

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

Jessica Yamauchi
Executive Director