



Senator Jerry Hill, 13th Senate District

SB 39 – Age Verification for Tobacco Delivery

IN BRIEF

SB 39 will impose stricter age verification requirements for tobacco products sold online or by mail. The bill would require tobacco companies to deliver tobacco products in conspicuously marked containers and obtain the signature of a person 21 years of age or older before delivering a tobacco product.

THE PROBLEM

The sale of tobacco products online presents a significant public health problem. Many internet tobacco vendors do little to verify the age and identity of their customers, making it very easy for minors to purchase tobacco products. In addition, tobacco-marketing restrictions that apply to television and billboards do not apply to online advertising, which allows tobacco companies to aggressively market their products online.

Despite state and federal laws that prohibit marketing and selling tobacco to minors, there are several loopholes in the online tobacco marketplace. For example, flavored cigarettes have been banned for years but vendors continue to market and sell these products online.^{1,2}

Several studies have concluded that youth have easy access to tobacco products online. A comprehensive analysis found that in 2014 63.2 percent tobacco vendors employed no age verification or relied exclusively on strategies that cannot effectively verify age.³ Another study found that minors are easily able to purchase e-cigarettes online due to a lack of appropriate age-verification standards. Specifically, minors were successful in buying e-cigarettes online 93 percent of the time, and 95 percent of e-cigarette deliveries were simply left at the door.⁴

CURRENT LAW

Tobacco Delivery: The Stop Tobacco Access to Kids Enforcement (STAKE) Act, prohibits the sale of tobacco products to any person under 21 years of age

through the United States Postal Service or through any other delivery service. Prior to the sale of tobacco products online, or any other means of delivery, tobacco companies must verify the age of the purchaser or recipient. However, tobacco product containers sold via delivery are not required to be labeled as containing tobacco and do not need to be signed by a person 21 years of age or older.

Alcohol Delivery: State law limits alcohol mail delivery to two cases of wine (no more than nine liters each case) per month to any person 21 years of age or older. Packages containing wine need to be labeled and the signature of a person 21 years of age or older is required upon delivery.

THE SOLUTION

Modeled after standards for alcohol delivery, SB 39 will require tobacco products to be delivered only in containers labeled with the words: “CONTAINS TOBACCO PRODUCTS: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY.”

The bill also will require tobacco vendors to obtain the signature of a person 21 years of age or older before delivering a tobacco product.

SUPPORT

- American Cancer Society Cancer Action Network (Co-Sponsor)
- American Heart Association (Co-Sponsor)
- American Lung Association (Co-Sponsor)
- African American Tobacco Control Leadership Council
- Campaign for Tobacco Free Kids

FOR MORE INFORMATION

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¹ Allem, Jon-Patrick, et al. “When a Ban Really Is Not a Ban: Internet Loopholes and Djarum Flavoured Cigarettes in the USA.” *Tobacco Control*, vol. 25, no. 4, 2015, pp. 489–490., doi:10.1136/tobaccocontrol-2015-052309.

² Jo, Catherine L., et al. “Tobacco Products Sold by Internet Vendors Following Restrictions on Flavors and Light Descriptors.” *Nicotine & Tobacco Research*, vol. 17, no. 3, 2014, pp. 344–349., doi:10.1093/ntr/ntu167.

³ Williams, Rebecca S, et al. “Content Analysis of Age Verification, Purchase and Delivery Methods of Internet e-Cigarette Vendors, 2013 and 2014.” *Tobacco Control*, vol. 27, no. 3, Aug. 2017, pp. 287–293., doi:10.1136/tobaccocontrol-2016-053616.

⁴ Williams, Rebecca S., et al. “Electronic Cigarette Sales to Minors via the Internet.” *JAMA Pediatrics*, vol. 169, no. 3, Feb. 2015, doi:10.1001/jamapediatrics.2015.63.