



NORTH CAROLINA ALLIANCE FOR HEALTH

NC Facts: Tobacco 21

95% of tobacco users start before the age of 21; it's important to **prevent** the sale of tobacco products to people under age 21.

N.C. has experienced an **alarming increase** in the use of tobacco products by young people—especially e-cigarettes, which are **mostly acquired from retailers**. The next most common way that youth aged 13-17 access e-cigarettes is **from a friend under the age of 21**.

The National Institute of Medicine concluded that raising the purchase age of tobacco and nicotine products would result in **4.2 million fewer years of life lost** for today's children.
<https://nap.nationalacademies.org/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>

In December 2019, Congress **increased the federal minimum legal** sales age of all tobacco products, including e-cigarettes, from 18 to 21.

Most states (**43 states as of October 2024**) have increased their minimum tobacco sales age to 21 to match federal law.

N.C. is **one of the 7 states** that has not passed a state minimum tobacco sales age law from 18 to 21 yet.

The U.S. Surgeon General and the National Academy of Medicine have identified the licensing or permitting of tobacco retailers as an **evidence-based** measure to reduce tobacco sales to youth.

NC is one of **only 9 states** that does not have a tobacco product licensing or permitting system.

Licensing or Permitting of Tobacco Product Retailers is an Effective Means to Reduce Sales to Youth as follows:

- Allows the state to know where tobacco products are being sold
- Improves merchant education efforts
- Allows the state to inspect for responsible retail practices
- Protects law-abiding retailers by holding non-compliant retailers accountable

- Prevents and reduces youth use of highly addictive nicotine products
- Helps eliminate the use of e-cigarette and other emerging nicotine products in schools
- Reduces any confusion among retailers and consumers by having one legal sales age for state and federal law

The North Carolina ABC Commission confirmed that it can implement an efficient and effective tobacco retailer permitting system based on the system also in place for alcohol retailer permitting.

Per CDC, an Effective Law to Raise Tobacco Sales Age to 21 has the following key provisions:

- Applies to all tobacco products
- Requires retailer license or permit
- Requires ID checks for any person under 30 years of age
- Imposes minimal penalties for purchasers under 21
- Holds retailers responsible for violations
- Requires signage
- Requires employee training
- Prohibits internet sales to people under 21
- Allows local government authority
- Provides enough time for the state to implement and to educate retailers about the new law

<https://www.cdc.gov/tobacco/stateandcommunity/tobacco-control/pdfs/t21-policy-evaluation-guide-508.pdf>

Federal Synar Law. N.C. is at risk of **losing millions** of federal dollars for prevention, treatment and recovery services [SUPTRS] block grant funding if it does not effectively prevent underage sales of tobacco products to young people.

Federal SAMHSA Guidance—The Synar penalties will be enforced starting with the December 2025 Annual Synar Report for Retail Violation Rates that exceed 20 percent between January 1, 2025 and September 30, 2025.

- For 2025, if the Retailer Violation Rate (RVR) for sales to young people under age 21 goes above **20%**, N.C. may be forced to forfeit approximately **\$5.2 million** (10% of our total substance use prevention, treatment and recovery services [SUPTRS] block grant).

NC's 2023 Synar Results: The 2023 survey **tested with youth ages 16 and 17** and included vape shops, but a relatively small number compared to other tobacco retail venues.

- The RVR was **21.9%** which is above the 20% max allowed by federal law (>20% risk funding loss, however the margin of error is plus/minus 3%). The RVR for 17-year-olds went up to **25.2%**. RVR would be even higher when people aged 18,19- and 20 pose as buyers, as is the current FDA surveillance requirement for T21 compliance.

Synar RVR data indicates likelihood of violation by store type to be (in decreasing order): tobacco store, vape store, gas station, grocery store and pharmacies. (The definitions for tobacco store and vape store were based on how the store advertised itself—such as the name of the store. As a practical matter, these stores are very similar in the products they sold.) The similarity of the RVR pattern in Synar and FDA data gives increased confidence there is a true relationship among RVR for store types.

Pilot Study Compliance Testing: Additionally in 2023, the N.C. Division of Mental Health and Division of Alcohol Law Enforcement (ALE) conducted a separate statewide Vape Shop Pilot compliance check (not part of the Synar Survey but described in the Synar Report) with 16- and 17-year-old buyers with **400 vape shops** statewide. The RVR was **37%**, which is 50% higher compared to the Synar RVR for 16- and 17-year-olds.

The NC Association of Local Health Directors voted to support Tobacco 21 and Tobacco Retailer Permitting. Local Health Directors prepared a sample resolution. Currently, 95 local boards of health, local school boards and other health organizations have signed the resolution.

As part of HealthyNC 2030, the NC State Health Improvement Plan (NCSHIP) Community Council, Tobacco Workgroup, selected Tobacco 21 and Retailer Permitting as a top policy priority.

Source: Information provided upon request from the NC Tobacco and Prevention Control Branch, Division of Public Health, NC Department of Health and Human Services

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