

Why is there a Need to Increase the Legal Age to Buy (LAB) Tobacco to at Least 21 Years?

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Introduction

Youth tobacco use is increasing across the globe. It has been documented that write the majority of tobacco users begin use of tobacco in any form before the age of 18 years [1]. Globally, 10% of girls and 20% of boys, aged thirteen to fifteen years, use some form of tobacco [2]. If the current trends of tobacco use continue, it would lead to the death of 250 million youngsters, mostly in developing countries over the period [3]. Analysis of various studies shows that, most tobacco users who start consuming it as teenagers will die, thanks to tobacco induced diseases.

Indian scenario

Tobacco use in India is worrisome due to varied kinds of available tobacco. As per Global Youth Tobacco Survey GTYS 4 disseminated recently by the union minister for Health and Family Welfare, nearly 20% of students aged 13 - 15 years use some form of tobacco in India. The country wide survey of students discovered that before 10 years of age, thirty-eight % of cigarettes, forty-seven % of bidi and fifty-two % of smokeless tobacco users became habitual [4].

Gaps in tobacco legislation in India

Legislation of a country plays a major role in curbing menace like tobacco addiction. India too has laws and policies related to Tobacco manufacture and sale. But, are these laws updated and sufficient enough according to the current scenario? The answer to this question is probably no. National law School of India Institute, Bangalore submitted a report titled, "Tobacco Control Laws in India: Origins and Proposed Reforms" [5] revealing the glaring gaps in in the existing tobacco control legislation Cigarettes and Other Tobacco Products Act (COTPA) 2003. The report clearly identified the gaps in the current act and also proposed relevant reforms concerning the same.

Global scenario

Federal Tobacco twenty-one Law was passed in December 2019, raising LAB tobacco products within USA. Under this legislation, fines are imposed to protect young from tobacco. In Sri Lanka LAB tobacco is 25 years. Honduras, Kuwait, Uganda and Somoa are some other countries with LAB as 21 years. Singapore also became one of those countries in 2021 to raise LAB tobacco from twenty years to twenty one gradually and setting a date after which if born you can't buy these harmful products.

Increasing LAB tobacco from 18 to 21 years in India

One of the major lacunae in the COTPA Act is the legal age of tobacco consumption which is 18 years. 15 - 19 years are considered to be most impressionable age in an individual's life but according to a statistics 10.14% of teens (below 19 years) and 14.7% of young adults

(20 - 29 years) are indulged in tobacco consumption [6]. This implies that there is already some gap in the actual implications and legal status of the act. Increase in the legitimate age of sale, buying tobacco and its consumption from present eighteen to twenty one years is being advocated widely at varied levels across the country. For instance, according to Chairman, National Commission for Protection of Child Rights, Mr Priyank Kanoongo, "Increasing the minimum legal age for sale of tobacco products from 18 years to 21 years and banning the sale of loose/single sticks of cigarettes by amending COTPA 2003, is crucial to protect youth from tobacco as it has the potential to reduce tobacco use initiation and progression to regular smoking" [4]. Post implementation of increase in the age to twenty one years in other countries have proven to reduce tobacco related deaths and health related issues in young adults. It is observed that tobacco use in adolescent can cause severe life term addiction and complications, since most usage starts from this age.

Increasing the LAB will also optimize the impact of age-of-sale laws by limiting access to cigarettes via their friends aged between eighteen and twenty years. The impact among children aged 15 - 17 will be maximum as there are lesser chance to have friends or acquaintances aged twenty-one or above. This is often the age bracket during which the adolescents begin smoking [7]. If youngsters remain away from tobacco products till 21 years of age, the chance of using these products rest of their lives is minimal.

In view of above, this, Government of India has proposed a draft bill to increase LAB tobacco from 18 to 21 years. As per the change, "No person shall sell, provide purchasable, or allow the sale of any tobacco product - (a) to or by somebody under twenty-one years and no sale of tobacco products with in radius of 100 meters of any educational institute will be allowed.

Evidence of tobacco twenty one

In Needham, after a five year follow up study, it was observed that, "A stronger decrease in 30-day adolescent smoking was found following the implementation of an age-of-sale of twenty one from thirteen to seven percent compared to fifteen to twelve percent in the communities that were taken as a control. The share of youth beneath eighteen buying cigarettes from stores conjointly was cut in Needham from 18.4% to 11.6% compared to 19.4% to 19.0% in communities taken as control [8]. With tobacco-21 laws in place in USA, it was found that 39% lower odds of monthly or established smoking among 18 - 20 year old" [9].

Conclusion

As youth are more prone to tobacco promotion, exposure and access, that are widely spread in urban and literate India, so they are major beneficiaries of laws increasing LAB tobacco. Good policy planning, implementation, compliance and interface with community members, as well as youth, is badly required [10].

Although the Ministry of Health has proposed amendment to COTPA but how soon this will be implemented is still a question, but strengthening the tobacco laws and making changes in the COTPA Act according to current scenario is urgently needed to protect the youth of India and other countries as well from the web of Tobacco industry.

It is also important to enforce strict provisions in the law for those offering or selling tobacco products to minors laid by The Juvenile Justice (Care and Protection Children) Act 2015.

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