

NACDD Healthy Military Partnership Highlight

How Hawai'i Engaged Military Leaders in Tobacco-21 Efforts

April 2024



At-A-Glance

The Hawai'i State Department of Health (DOH) Chronic Disease Prevention and Health Promotion Division, Tobacco Prevention and Control Section (TPCS), along with its partners, collaborated with military leadership in the state to ensure compliance with the "Tobacco and Electronic Smoking Device Sales to Persons Under 21" law (§712-1258, Hawaii Revised Statutes). This groundbreaking legislation in 2016, known as "Tobacco 21,"

raised the legal minimum age for purchasing and possessing tobacco and electronic smoking devices (e-cigarettes) from 18 to 21 years old. This proactive law was designed with the primary goal of mitigating youth smoking rates and enhancing public health by placing stringent restrictions on young adults' access to tobacco products.

Challenge

Military installations are federal property, and they are primarily subject to federal laws and regulations. The U.S. Department of Defense (DoD) and various military branches have their own regulations that govern activities on military installations; as such, military commissaries and other commercial outlets were not required to comply with Hawai'i's new Tobacco 21 law.

Approach

Military base commanders are responsible for maintaining order and enforcing federal and military regulations within their installations. Off-base jurisdiction remains with local law enforcement agencies, and military personnel are subject to civilian laws when off-duty and off-base. Any collaboration between military and local law enforcement is typically based on mutual agreements and cooperation rather than enforcement authority.

The TPCS and the Coalition for a Tobacco-Free Hawai'i (Coalition) embarked on an outreach campaign to promote voluntary compliance with the new law before it went into effect. They approached base commanders and engaged the chairs of the state senate and house health committees to assist with advocacy. The objective of their outreach was to educate these key stakeholders about the health and readiness benefits associated with the law and to request their support in enforcing it within their respective installations.

Several base commanders were receptive to the outreach and declared their commitment to enforcing the law within their respective installations. Additionally, DoD the Office of the Assistant Secretary of Defense issued a memo addressed to the assistant directors of the Army, Navy, Air Force, and the Director of the Defense Commissary Agency. The memorandum explicitly conveyed that defense resale activities and points of sale on military bases were prohibited from selling or providing tobacco products to individuals under 21 years of age.

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In response to these developments, all defense commissary establishments in Hawai'i instituted mandatory training programs for their staff to facilitate thorough ID checks for customers looking to purchase tobacco products. Additionally, the various military branches undertook the responsibility of educating their employees, staff, dependents, and retirees about the new law through social media channels and health center outlets. To further support tobacco cessation efforts, military personnel and their beneficiaries were also directed to DoD cessation resources and the Hawai'i Tobacco Quitline.

Lessons Learned

During this process, the TPCS and the Coalition gained valuable insights that can facilitate the acceptance of and adherence to future state laws within the military context.

- **Address base commanders' ability to enforce local laws.** Due to federal preemption of military installations, the TPCS and the Coalition understood that military installations in their state were not required to enforce the new law. To encourage voluntary adoption of and compliance with the new law, the TPCS and the Coalition engaged in a communications plan that involved members of the state legislature and retired military leadership.
- **Address the "right to use tobacco" argument.** The TPCS and the Coalition anticipated the possibility of encountering opposition from base commanders and other military leadership who believed that individuals old enough to risk their lives defending their country should have the freedom to use tobacco products. They referenced [remarks](#) made by a high-ranking military commander who asserted, "If someone is young enough to fight for their country, they should be free from addiction to a deadly drug." In addition, they were prepared to provide DoD-sourced data highlighting the adverse effects of tobacco use on Service members, and the financial burdens to DoD in medical expenses and productivity losses.

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