

North Dakota Senate
Judiciary Committee
Testimony Regarding Senate Bill 2156

David Sylvia, Senior Director, Public Policy & Stakeholder Engagement
Altria Client Services LLC
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Chairwoman Larson and Members of the Committee, thank you for the opportunity to submit this testimony on the behalf of Altria and its affiliates Philip Morris USA, John Middleton, and US Smokeless Tobacco Company regarding the legal age of purchase for tobacco products.

Altria Supports Prompt Enactment of Senate Bill 2156

Altria supports raising the minimum age to purchase tobacco products to 21. We encourage the North Dakota Legislature to enact Senate Bill 2156 without delay.

Our companies have long supported legislation to prevent underage access to tobacco products. Today, underage use of traditional tobacco products such as cigarettes, cigars, and smokeless tobacco is at generational lows and continues to decline.¹ With e-vapor—a category that emerged after the Tobacco Control Act became law but before FDA asserted regulatory over it—underage use accelerated to totally unacceptable levels starting in 2018.

That alarming trend led to a broad coalition of stakeholders, including us, joining forces in 2019 to advocate for federal legislation raising the national minimum age on all tobacco products to 21. That bipartisan legislation was signed into law by the President in December of 2019.²

Today, 33 states and the District of Columbia have a tobacco 21 law—Senate bill 2156 will address substantive policy concerns by aligning North Dakota with federal law.

First, raising the minimum age to 21 will help reverse underage vaping rates. Although recent data show declines in underage e-vapor rates,³ there is more progress to make and we believe taking this step will help.

¹ Recently released 2020 data from CDC's National Youth Tobacco Survey (NYTS) shows year-over-year declines in middle school and high school past 30-day use across all tobacco categories, including cigarettes (4.3% to 3.3%), cigars (5.3% to 3.5%), smokeless tobacco (3.5% to 2.3%), and e-vapor (20% to 13.1%) (See https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm; <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6950a1-H.pdf>.)

² <https://www.fda.gov/tobacco-products/ctp-newsroom/newly-signed-legislation-raises-federal-minimum-age-sale-tobacco-products-21>.

³ See supra note 1.



Second, different minimum age requirements at the federal, state, and regional levels will confuse consumers and retailers, and lead to less effective enforcement. We are sensitive to the argument that young people 18 to 20 are treated as adults in our society for many important purposes—voting and serving in our military, to name just a few. But a minimum age of 21, in alignment with the federal standard, will put tobacco products in line with alcoholic beverages, which have been subject to state minimum age laws of 21 for decades, as well as cannabis, which is subject to the minimum age of 21 in every state that has legalized it recreationally.

Third, \$1.7 million, or approximately 10% of future SAMHSA substance abuse grants, is conditioned on North Dakota enforcing the new federal Tobacco 21 law through their existing youth tobacco prevention inspections. In fiscal year 2018, 10% of these SAMHSA grants amounted to \$392 million nationwide.⁴

Federal law also appropriates \$18.58 million in transitional grants to states to plan for or ensure compliance with these new requirements. A portion of this funding will be available for North Dakota, conditioned on enforcement and compliance checks to prevent the sale of tobacco products to individuals under the age of 21.⁵

Conclusion

For these reasons, we join with others calling for a minimum age of 21 to purchase tobacco products, and we therefore encourage the North Dakota Legislature to promptly pass Senate Bill 2156.

⁴ “SAMHSA Grant Awards by State, FY 2018,” SAMHSA, <https://www.samhsa.gov/grants-awards-by-state?year=2018>.

⁵ 42 USC 300x-26: Sale of tobacco products to individuals under age of 21.

