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10:00 am CST

House Political Subdivisions Committee for the 69th ND Legislative Assembly

Chairman Longmuir and members of the House Political Subdivisions Committee, hello, my name is Heather Austin, and I am the Executive Director for Tobacco Free North Dakota. The mission of Tobacco Free North Dakota is to improve and protect the public health of all North Dakotans by reducing the serious health and economic consequences of tobacco use, the state's number one cause of preventable disease and death. Thank you so much for your time this morning.

Today I am here to encourage a Do Not Pass on HB 1307, the bill relating to supersession of state laws in home rule counties and cities. Taking away a community's option to customize local policy for its citizens may have unintended consequences when it is time to address new and challenging needs, in general, but also when it comes to tobacco control policy, and we hope that you will consider leaving local control in place.

Our concern relates to tobacco control policy because many North Dakota communities have already strengthened protections for their constituents, and accounted for unique local needs, by making their local ordinances stronger than state law. Cities and counties need the ability to have the flexibility to enact ordinances based on the will of their people. Currently 15 cities have a smoke free law ordinance in place, in addition to the protection they receive from our state indoor smoke free air law. They include Fargo, Bismarck, Grand Forks, Minot, Williston, Wahpeton, Harvey, Larimore, Napoleon, Crosby, Hankinson, Walhalla, Pembina, St. John, and Rutland. Seventeen communities have a youth access ordinance in place to deter youth initiation to nicotine dependence, and to allow for monitoring and enforcing our state's age restriction laws. They include Fargo, Bismarck, Grand Forks, Minot, West Fargo, Williston, Dickinson, Jamestown, Wahpeton, Devils Lake, Valley City, Lincoln, Wells County, Langdon, Cando, Linton, and St. John.

These ordinances protect thousands of North Dakotans. By voiding just these two examples, this bill would instantly put the health of more than 460,000 North Dakotans, which is more than 60% of the state population, in danger. We also worry about HB 1307 preventing any future ordinances from being enacted if they conflict with state law-either directly or due to no existing law at the state level. This is important because commercial tobacco products are changing quickly, and often the best, and quickest, response is a local one.

Again, thank you for this time in front of you, Chairman Longmuir, and the Committee. It is very appreciated. Please vote Do Not Pass on HB 1307.

May I take any questions?

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