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Senate Finance and Taxation Committee for the 67th ND Legislative Assembly

Chairwoman Bell, and members of the Senate Finance and Taxation 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 Pass on SB 2189, or the bill relating to the classification and licensing of electronic smoking devices. I also have a friendly amendment to offer at the end of my testimony.

By including electronic tobacco products for licensing, taxation and regulation, alongside other existing tobacco products in North Dakota, we create parity, and we take a tremendous step forward in protecting our youth from the dangerous nicotine addiction these products promote. We can begin to stem the tide in what the FDA has called an "epidemic" for our youth. By updating our laws to reflect our current state needs and the new products that have joined the market in the last 25 years, we can better monitor and regulate tobacco to keep it out of the hands of our youth and to provide further support to health programs and services for ND citizens.

While we still have much to learn about these new electronic smoking devices, the evidence is already clear that it is unsafe for young people to use e-cigarettes, vapes, JUULs, or any other products containing nicotine. As stated by the Surgeon General, "E-cigarette use poses a significant – and avoidable – health risk to young people in the United States. Besides increasing the possibility of addiction and long-term harm to brain development and respiratory health, e-cigarette use is associated with the use of other tobacco products that can do even more damage to the body."i.

These unlicensed and unregulated electronic products make it easier for beginners – primarily our kids – to try the product and ultimately become addicted. SB 2189, simply aims to include electronic tobacco products for licensing, taxation and regulation, alongside other existing tobacco products in North Dakota, and by subjecting them to the current 28% wholesale rate in place for cigars, we avoid creating product "winners and losers" in our tax policy, treating all tobacco products equally with respect to regulation. This makes good sense and provides the added benefit of protecting our kids, and that creates healthier youth and a healthier state.

Again, thank you for this time in front of you, Chairwoman Bell, and the Committee. It is very appreciated. Please vote Do Pass on SB 2189.

May I take any questions?

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i. HHS, Know the Risks: E-Cigarettes & Young People, accessed March 15, 2018 at <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html>.



Photo of actual e-juices and electronic tobacco devices confiscated during the fall of the 2018-2019 school year at a North Dakota High School.