

Good morning Chairman Klein and members of the Industry, Business, and Labor Committee. My name is Abby Erickson and I serve as the Community Programs Coordinator in the Tobacco Prevention and Control Program for the North Dakota Department of Health (NDDoH). I am here to provide testimony in support of SB 2190, which restricts tobacco product shipping and remote sales of tobacco products.

Tobacco prevention and control efforts in North Dakota focus on guidance provided by the Centers for Disease Control and Prevention (CDC) *Best Practices for Comprehensive Tobacco Control Programs* (Best Practices). Best Practices provide evidence-based interventions to prevent tobacco product use initiation; increase quitting tobacco; and reduce exposure to secondhand smoke. A restriction on direct-to-consumer shipments of tobacco products is an effective way to prevent youth online access. Senate Bill 2190 provides an avenue to assist with preventing tobacco product use initiation.

Studies have found youth successfully purchased e-cigarettes over the internet in 94% to 97% of their online purchase attempts (Source: [Electronic cigarette sales to minors via the internet](#). JAMA Pediatrics March 2, 2015 and [Is the E-Liquid Industry Regulating Itself? A Look at E-Liquid Internet Vendors in the United States](#). Nicotine & Tobacco Research 2016). Laws restricting the sale of tobacco products to youth and young adults play an essential role in preventing addiction and tobacco-related disease before it starts.

At the federal level, there have been efforts to address online sales of tobacco including the Tobacco Control Act (TCA) and the Prevent All Cigarette Trafficking Act (PACT Act), both signed in 2009. The TCA authorized the Federal Drug Administration (FDA) to adopt regulations to control internet sales of tobacco products to youth by October 1, 2011. To date, the FDA has not proposed a regulation consistent with this duty. The PACT Act applied to internet sales of cigarettes and smokeless tobacco but left gaps around delivery carriers. Recently, on December 21, 2020, Congress passed legislation as part of the omnibus spending bill that amends the PACT Act to include e-cigarettes. As a result, vendors will no longer be able to deliver e-

cigarettes by U.S. mail. However, this does not apply to other common delivery carriers, such as through internet sales.

The internet tobacco vendor industry has proven highly adaptable to finding gaps in regulations and increasing their offerings of less regulated products like those that have been banned. Given the ease with which underage individuals have been able to find ways around existing age verification techniques and federal laws that do not comprehensively address these issues, state and local governments are increasingly taking action. For example, South Dakota passed a similar law in 2019.

Prohibiting internet sales of all tobacco and tobacco-related products can be an effective way to prevent underage access to these dangerous and addictive tobacco products and will provide consistency for ease of enforcement.

This concludes my testimony. I am happy to answer any questions you may have.