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SB 2189 Do Not Pass Ask
Sara Mannetter, North Dakota Government Relations Director
American Cancer Society Cancer Action Network
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Chairman Headland, Vice-Chair Steiner and members of the Committee,

My name is Sara Mannetter and I'm the North Dakota Government Relations Director for the American Cancer Society Cancer Action Network.

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, non-partisan advocacy affiliate of the American Cancer Society, advocates for public policies that reduce death and suffering from cancer including policies targeted at improving the health of our state by reducing tobacco use.

This morning you heard SB 2189, a bill related to licensing requirements for electronic smoke device dealers and distributors and to provide for a legislative management study around harm reduction.

I apologize for not submitting testimony, but I hope you will accept this letter on my behalf.

ACS CAN opposes SB 2189 and I ask you for a Do Not Pass vote.

SB 2189 is specifically problematic for the following reasons:

- **Licensing:**
 - o E-cigarettes are a tobacco product and should be taxed and regulated as such, including licensing them as a tobacco product.
 - o Including e-cigarettes in licensing should not come at the expense of the existing license structure. It's important that tobacco licensing fees are high enough to cover the cost of enforcement. Currently, licensing is weakened by the reduction in fees included in this bill.

- **Harm Reduction Management Study:**
 - o The tobacco industry has a long history of defrauding and misleading the public on the harms of its products.
 - o Modified risk does not mean "safe." All tobacco products have health harms.
 - o There is an existing federal process that manufacturers can choose to go through to be permitted to make a modified risk claim, there is no reason to duplicate it on the state level.
 - o Any action at the state or local level to regulate so-called modified risk tobacco products differently from cigarettes and other tobacco products (OTPs) is premature.
 - o Lowering taxes on any tobacco product reduces state tax revenue.

- States should not change state tobacco control laws to accommodate any new product marketing claims.

I ask that you look to proven solutions that support public health and the health of state budgets. We don't want to see attention or resources diverted from proven tobacco control measures, including funding tobacco prevention and cessation according to CDC-best practices, regular and significant tax increases on all tobacco products and a strong, comprehensive smoke-free law with no exemptions.

I've included a factsheet on FDA's regulations of tobacco products and modified risk to read at your leisure.

Thank you for your time and please vote for a Do Not Pass recommendation.

Sincerely,
Sara Mannerter
North Dakota Government Relations Director